**SHRM Employment Law**

Module 1: Introduction to Employment Law



**An Overview of Employment Law for Human Resource Management Students**

**Course Overview**

This course will provide an in-depth overview of employment law from a Human Resource Management perspective. We will cover a wide range of employment laws that impact both employees and employers every day. This course provides foundational knowledge that students of Human Resource Management require to operate successfully in the workplace and to prepare for future [SHRM-CP certification](https://www.shrm.org/certification/Pages/default.aspx?_ga=2.118238217.1283169968.1663254785-1231067325.1663254785). The course consists of 12 modules of varying length so instructors can copy content into their LMS as their needs dictate. The course is written in first person, common language to relate to students. Storytelling, Skill Building, and multiple learning methods are employed throughout the course. Links are provided to resources that can be posted in your LMS.

***The information presented in this course should not be considered a substitute for advice from a qualified attorney.***

**Course Learning Outcomes**

Upon completion of this course the student will *(adapted from the* [*SHRM Body of Applied Skills and Knowledge*](https://www.shrm.org/certification/about/body-of-applied-skills-and-knowledge/Pages/default.aspx) *(BASK):*

1. Students will develop a working knowledge of current U.S. employment laws.
2. Students will identify methods to ensure that HR programs, practices and policies align and comply with laws and regulations.
3. Students will apply knowledge gained to educate employees at all levels in understanding and avoiding illegal and noncompliant HR-related behaviors (examples include illegal terminations or discipline, unfair labor practices).
4. Students will develop quality internal and external resources to assist with interpretation of employment laws.
5. Students will develop a working knowledge of influential employment laws and relevant legislative acts concerning employment law.

Module 1: Introduction to Employment Law



Time:  2 minutes

Running time: 2 minutes

**Objective**: Introduce the topic of Introduction to Employment Law

**Description**:  Introduction to the topic and why it is important.

**Instructional Method**: Lecture/ice breaker

**Script:**

Module One is a brief overview of the U.S. legal systems and how federal, state, and local laws work together to create the employment environment. First, we will provide a short refresher on the structure of government, followed by a discussion of where employment law originates from and derives its power. Additionally, we will identify the differences between employment law and labor law and why it matters. Other topics include substantive employee rights, arbitration, and the employee/employer relationship.

**Facilitator Notes:**

Add your name or any other information to this slide in the subtitle.

Graphical user interface, application

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Time:  2 minutes

Running time: 4 minutes

**Objective**: Introduce the learning objectives.

**Description**: Show the objectives.  Answer any questions.

**Instructional Method**: Lecture

**Script**:

Here are the student objectives for this module:

* Define the key terms related to employment law.
* Determine the appropriate laws to apply to given employment situations.
* Distinguish between employment law and labor.
* Discuss the employer/employee relationship.
* Describe the employment at will doctrine.

**Facilitator Notes:**

Use the objectives topics to create evaluation for the review.

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Time:  1 minutes

Running time: 10 minutes

**Objective**: Transition to the next slide.

**Description**: Transition to the next slide to set up the game

**Instructional Method**: Transition

**Script**:

Let’s play a game to define some key terms used in the compensation and benefits profession.

**Facilitator Notes:**

1. Click for Ready
2. Click for set
3. Click for go

**Exercise**:  Key terms

1. The instructor will state the definition of each term.
2. Have students choose which term fits the definition.
3. Click to show the correct answer.

**Note**: You can do this as a large group or put them on teams and keep score.

Chart, diagram

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Time:  8 minutes

Running time: 10 minutes

**Objective**: Define the key terms related to employment law.

**Description**: Match Key terms to the correct definition.

**Instructional Method**: Game

**Script**:

Let’s play a game to define some key terms used in the compensation and benefits profession.

**Exercise**:  Key terms

1. The instructor will state the definition of each term.
2. Have students choose which term fits the definition.
3. Click to show the correct answer.

*Note*: You can do this as a large group or put them on teams and keep score.

**Define Terms:**

1. **Administrative regulations**- Rules passed by federal and/or state agencies that have the same effect as law. These rules are passed to enforce and support previously passed laws.
2. **Common law**- Laws that are created by the court system through historical case trials.
3. **Common law agency test**- used to determine if a worker is an employer or independent contractor by determining how much power and control of the methods and measures used to produce the completed job.
4. **Employee**- An employee is anyone who performs a service for you in an environment where you get to control what the worker does and how they do it (irs.gov)
5. **Employment at will**- Means that an employee may quit, or an employer may terminate an employee at any time for any reason.
6. **Independent contractor**- “The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done” (irs.gov).
7. **Precedent**- “Under the legal doctrine of *stare decisis*, a lower court must follow the conclusions of law made by a higher court within its jurisdiction. The lower court deems the earlier case holding as binding precedent upon itself” (Fields, K. and Chessman, H., 2022, p. 730).
8. **Right to control test**- A test to determine if a worker is an employee or an independent contractor. The test measures whether or not the employer has the right to control where, when, and how the job is accomplished.
9. **Statutory law**- Laws that are enacted as a result of federal, state, or local legislation.

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Time:  11 minutes

Running time: 26 minutes

**Objective**: Discuss the structure of the Federal Government.

**Description**: Have students explain the structure of the Federal Government and add information as needed.

**Instructional Method**: Lecture - Exercise

**Script**:

We will begin by understanding the Structure of Federal Government. In the United States, our [Constitution](https://www.archives.gov/founding-docs/constitution) spells out the way our government operates. There are three separate branches of government that work together to form our democracy. These branches are called the legislative branch, the executive branch, and the judicial branch. Ideally, this creates a system of checks and balances to keep any one branch of government from having too much power. Each is held in check by the other two. In order to fully understand employment law, it is important to ensure that you first understand the basics of how the government and the law work.

**Exercise**: Federal Government

1. Break the class into 3 group
2. Name each group for one of the branches
3. Have groups research (5 minutes)  
   a. Who is in this branch  
   b. What is the main responsibility
4. Have students choose a spokesperson for their group and present the information (2 minutes each).
5. When finished click the slide to show the complete graphic.

**Facilitator Notes:**

Legislative Branch

“The legislative branch [drafts proposed laws](https://www.usa.gov/how-laws-are-made), confirms or rejects presidential nominations for heads of federal agencies, federal judges, and the Supreme Court, and has the authority to declare war. This branch includes Congress (the Senate and House of Representatives) and special agencies and offices that provide support services to Congress. American citizens have the right to vote for Senators and Representatives through free, confidential ballots” (<https://www.usa.gov/branches-of-government>).

[Senate](https://www.senate.gov/senators/senators-contact.htm)- Comprised of 100 Senators, 2 from each state, to six-year unlimited terms.

[House of Representatives](https://www.house.gov/representatives)- 435 elected Representatives, divided among all 50 states according to population to a two-year, unlimited term.

[Executive Branch](https://www.whitehouse.gov/about-the-white-house/our-government/the-executive-branch/)

The executive branch of government is the branch that carries out laws passed by the legislative and judicial branches. It includes the duly-elected President (POTUS), Vice President (VP), the presidential Cabinet, and many federal agencies, such as the Department of Labor or the Equal Opportunity Employment Commission. The President and VP are elected every four years. Federal judicial positions are appointed by the POTUS for various terms.

[President](https://www.whitehouse.gov/administration/president-biden/)- “The president leads the country. He or she is the head of state, leader of the federal government, and Commander in Chief of the United States armed forces. The president serves a four-year term and can be elected no more than two times” (<https://www.usa.gov/branches-of-government>).

[Vice President](https://www.whitehouse.gov/administration/vice-president-harris/)- The VP is second in command. In the event that the POTUS cannot fulfill his or her duties, the VP would become president. Vice presidents can serve unlimited terms. Additionally, the VP casts the tie-breaking vote when the Senate is evenly split on a decision.

[The Cabinet](https://www.whitehouse.gov/administration/cabinet/)- “Cabinet members serve as advisors to the president. They include the vice president, heads of executive departments, and other high-ranking government officials. Cabinet members are nominated by the president and must be approved by a simple majority of the Senate—51 votes if all 100 Senators vote” (<https://www.usa.gov/branches-of-government>).

[Judicial Branch](https://www.whitehouse.gov/about-the-white-house/our-government/the-judicial-branch/)

The judicial branch of government essentially ‘try’ the laws. They evaluate cases against legal precedents and evaluate the decisions of lower courts to determine legality. Higher courts can overturn the decisions of lower courts upon appeal, or they can choose to confirm those decisions and send a case back to lower courts.

[Federal Court System and Judicial Agencies](https://www.usa.gov/branches-of-government)

Article III of the U.S. Constitution gives authority to Congress to establish a Supreme Court (SCOTUS), federal courts, and district courts. Below is a listing of the Federal Courts and Judicial Agencies that govern the U.S.

[Supreme Court of the United States](https://www.supremecourt.gov/)

The Supreme Court (SCOTUS) is the highest court in the nation. It is made up of nine presidentially-appointed and congressionally-approved judges who serve lifetime terms.

[Here is an excellent Infographic on how the Supreme Court works!](https://app-usa-modeast-prod-a01239f-ecas.s3.amazonaws.com/SupremeCourt2019_Hires.png)

[U.S. Courts of Appeal](https://www.uscourts.gov/about-federal-courts)- “hear appeals from lower courts of both civil and criminal trials, but do not investigate the facts of a case. Rather, the Appeals Courts investigate whether or not the law has been fairly and correctly applied to the lower courts” (<https://www.usa.gov/federal-agencies/u-s-courts-of-appeal>).

[Court of International Trade](https://www.cit.uscourts.gov/)- This court has “nationwide jurisdiction over civil actions arising out of the customs and international trade laws of the United States” (<https://www.cit.uscourts.gov/>).

[Court of Federal Claims](http://www.uscfc.uscourts.gov/)- Known as the ‘People’s Court’, this court provides the opportunity for individuals to file private claims against the federal government (/<http://www.uscfc.uscourts.gov/sites/default/files/uscfc_court_history_brochure_20210325.pdf>).

[Bankruptcy Courts](https://www.uscourts.gov/services-forms/bankruptcy)- “helps people who can no longer pay their debts get a fresh start by liquidating assets to pay their debts or by creating a repayment plan” (<https://www.uscourts.gov/services-forms/bankruptcy>).

*Article I Courts*

[Court of Appeals for the Armed Forces](https://www.armfor.uscourts.gov/newcaaf/home.htm)- “exercises worldwide appellate jurisdiction over members of the armed forces on active duty and other persons subject to the Uniform Code of Military Justice” (<https://www.armfor.uscourts.gov/newcaaf/home.htm>).

[Tax Court](https://www.usa.gov/federal-agencies/tax-court)- The U.S. Tax Court settles disputes between the Internal Revenue Service and taxpayers.

[U.S. Court of Appeals for Veterans Claims](https://www.usa.gov/federal-agencies/u-s-court-of-appeals-for-veterans-claims)- This court “hears appeals of decisions made by the Board of Veterans Appeals”.

[Administrative Office of the U.S. Courts](https://www.uscourts.gov/)- “The U.S. courts were created under Article III of the Constitution to administer justice fairly and impartially, within the jurisdiction established by the Constitution and Congress” (<https://www.uscourts.gov/about-federal-courts/court-role-and-structure>).

[Federal Court Interpreters](https://www.uscourts.gov/services-forms/federal-court-interpreters)- A judicial agency that provides certified interpreters to assist those who do not speak English and/or may be hearing impaired (<https://www.usa.gov/federal-agencies/federal-court-interpreters>).

[Federal Judicial Center](https://www.fjc.gov/)- A judicial agency that “conducts policy research and continuing education resources for the judicial branch” (<https://www.usa.gov/federal-agencies/federal-judicial-center>).

[Judicial Panel on Multidistrict Legislation](https://www.jpml.uscourts.gov/)- A judicial agency that “determines whether civil actions pending in two or more federal judicial districts should be transferred to a single federal district court for pretrial proceeding” (<https://www.usa.gov/federal-agencies/judicial-panel-on-multidistrict-litigation>).

[U.S. Sentencing Commission](https://www.ussc.gov/)- “Studies and develops sentencing policies for the federal courts. The Commission serves as an information resource for Congress, the executive, the courts and the public on matters relating to federal crime and sentencing as well” (<https://www.usa.gov/federal-agencies/u-s-sentencing-commission>).

Diagram

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Time:  4 minutes

Running time: 30 minutes

**Objective**: Describe State and Local Government Structures

**Description:** Describe State and Local Government Structures

**Instructional Method**: Lecture

**Script**:

By law, State governments must be modeled after the federal government, and so are comprised of executive, legislative, and judicial branches.

“Powers not granted to the Federal government are reserved for States and the people, which are divided between State and local governments.”

**Facilitator Notes:**

“Powers not granted to the Federal government are reserved for States and the people, which are divided between State and local governments” ([https://www.whitehouse.gov/about-the-white-house/our-government/state-local-government/#:~:text=All%20State%20governments%20are%20modeled,branch%20structure%20is%20not%20required](https://www.whitehouse.gov/about-the-white-house/our-government/state-local-government/)).

By law, State governments must be modeled after the federal government, and so are comprised of executive, legislative, and judicial branches.

*Executive branch*

Consists of the elected governor of the State. This person is elected from the population of that state. Most states also elect other state leaders such as lieutenant governor, attorney general, secretary of state, and others.

*Legislative branch*

Consists of representatives who are elected from the population of the state. All but one state (Nebraska), operates similarly to the federal government in that the representatives are split into a two-chamber house. These are made up of State Senators (different from federal senators), and State

Representatives (different from federal representatives). While federal senators and congresspersons deal with federal issues, state senators and representatives only deal with legislative issues within the state.

*Judicial branch*

The judicial branch consists of a State Supreme Court that hears appeals from lower state courts. Each state constitution and/or legislature determines individual State court structures and the jurisdictions of those courts.

*Local Government*

Local government typically consists of two levels. In most states, there is a designated County government that typically has multiple municipalities (cities, towns, villages, etc.), that lie within the assigned county lines. Those persons and businesses that reside outside of the city limits must follow the laws of the county government. Those that reside inside the city limits must follow the rules of the municipal government as well as the county government (where applicable). Local governments must be granted power by the state. Both county and municipal governments are governed by a board of elected officials that manage the budget and oversee services.

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Time:  5 minutes

Running time: 35 minutes

**Objective**: Describe where employment law originates from.

**Description**: Define the sources from which employment law originates.

**Instructional Method**: Lecture

**Script**:

Everything comes from something, and employment law is no exception. All U.S. employment laws come from one of the following sources: Constitutions, Statutes, Executive Orders, Regulations, Guidelines, and Administrative Decisions, Common Law**.**

**Facilitator Notes:**

***Constitutions*** establish legal relationships and provide a framework for passing laws.

***Statutes*** are legislative acts passed by a governing body. These are the laws that guide our policies and procedures.

***Executive orders*** are given by the President of the United States and are essentially management decisions by the POTUS concerning operations of the federal government. These orders do not require congressional approval, or a vote and they cannot be simply overturned by Congress.

**Regulations, Guidelines, and Administrative Decisions**

Every law that is passed comes with a plethora of rules, guidelines, and ***administrative guidelines*** that aid in the interpretation and implementation of those laws. Without these regulations and guidelines, those subject to the laws would have no consistent method to implement the laws.

**Common Law**

Otherwise referred to as case law, ***common law*** is essentially the laws that have been previously established through previous court decisions. Also known as legal ***precedent***, common law is based on decisions other courts have already made.



Time:  5 minutes

Running time: 40 minutes

**Objective**: Review the Employment law study aid #1.

**Description**: Have students become familiar with Employment law study aid #1.

**Instructional Method**: Lecture and Study Aid #1

**Script**:

History of Employment Law

In terms of history, employment laws are not that old. The earliest employment laws were a direct result of poor and dangerous working conditions, low wages, and significant abuses of employees. We will be referring to these laws throughout the course, so it’s important to gain a strong understanding of them now.

(See study aid #1 EL Major US employment laws study guide)

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Time:  2 minutes

Running time: 42 minutes

**Objective**: Distinguish between employment law and labor law.

**Description**: Give the definition and examples of the types of laws.

**Instructional Method**: Lecture

**Script**:

There is a Difference Between Employment Law and Labor Law.

The term employment law covers all issues relating to the employee/employer relationship, with the exception of collective bargaining and other union activities. This course will focus mostly on employment law.

Labor law, on the other hand, is singularly focused on labor unions. While employment law does apply to labor unions, there are a number of unique and specific laws related to unionization. We will cover these in depth in Modules 9 and 12.

Diagram

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Time:  16 minutes

Running time: 58 minutes

**Objective**: Determine the appropriate laws to apply to given employment situations.

**Description**: Discuss which law to apply to which employee and/or situation

**Instructional Method**: Game

**Script**:

One of the most important things an HR professional can learn is which law to apply to which employee and/or situation. One of the most important phrases a student of employment law can learn is “it depends”. The reason this phrase is so critical is that the nuances of employment law can easily vary slightly or substantially depending on what the situation is.

For example, you might not be aware that the law that benefits the employee the most is the one that takes precedence. The federal minimum wage is still $7.25 per hour, but many states have passed higher minimum wages, and some municipalities have passed laws requiring even higher minimum wages. In a case such as this, the wage that benefits the employee the most prevails. So even though the [federal minimum wage](https://www.dol.gov/agencies/whd/minimum-wage) is $7.25/hr, and [Washington’s minimum wage](https://lni.wa.gov/workers-rights/_docs/FY22-084-2022MinimumWageAnnouncement.pdf) is $14.49 per hour, [*Seattle*](https://www.seattle.gov/laborstandards/ordinances/minimum-wage) employees can depend on a minimum wage of $17.27 per hour.

**Exercise**: It Depends

1. Assign 6 groups one of these categories
2. Have them research the differences between Federal, state and local using an example not already mentioned in class. (10 minutes)
3. Have each group share their example with the class. (5 minutes)
4. Follow up after each group if they missed any important information.

**Facilitator Notes:**

Each of the following factors can strongly influence which employment laws are applied to a given situation.

*Public/Private Sector*

There is a difference between employees who are employed by private sector employers or by governing agencies or nonprofit organizations (public sector).

Public sector employees are covered by federal, state, or local statutes that private employees are not subject to. For example, public sector employees cannot unionize because they are not covered by National Labor Relations Act. They are also not covered by the Occupational Safety and Health Act, and the law limits an employee’s ability to sue (Walsh, 2018).

For example, [Executive Order 11246](https://www.dol.gov/agencies/ofccp/executive-order-11246/as-amended) is concerned with Equal Employment Opportunity- for federal employees. It does not apply to private employees. This order (law) is designed to ensure the enforcement of the [Civil Rights Act of 1964](https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964) for federal employees and contractors.

Private sector employers and employees are subject to local, state, and federal employment laws and regulations, but not those concerning government employees.

*Unionized or nonunionized*

If a union contract exists, both the employer and the employees are bound by the terms of that contract. As we will cover in Modules 9 and 12, the application of employment law varies as the terms and conditions of employment are based on contractual agreements. For example, there is typically a progressive disciplinary process that employers must follow prior to termination.

*Employer size*

The number of employees an organization has directly impacts which employment laws apply to it. For example, Title VII and the ADA both only apply to employers who have 15 or more employees. There are often state and local statutes that apply basically the same rules as Title VII, but each business will need to check with the state and local laws to be certain of what the rules say in that jurisdiction.

Additionally, other laws like the FLSA and the NLRA apply to employers whose revenues exceed a minimum level.

*Geographic location*

As we’ve previously discussed, where a business is located can absolutely impact which employment laws apply to them. Knowing what the federal, state, and local laws is imperative to operating a business within the parameters of the law.

*Government contracts*

If an organization does business with the federal government, they are subject to the laws that deal with government employees and contractors. Laws like affirmative action, mandatory drug screening, and dealing with disabled employees are all examples of laws that those who have contractual business dealings with the federal government.

*Industry and occupation*

Some laws only apply to workers in certain industries. For example, in the employees are not unionized, the National Labor Relations Act will not apply to employees in that organization. There are specific laws about safety, drug use, and employee protection, but they vary according to industry. The laws that apply to the transportation industry don’t necessarily apply to the healthcare industry.



Time:  4 minutes

Running time: 62 minutes

**Objective**: Describe the employment at will doctrine.

**Description**: Describe Employment at Will and other rights and responsibilities

**Instructional Method**: Lecture/Discussion

**Script**:

Employment law is, essentially, the legal spelling out of the rights employees have under the law, and the responsibilities that employers carry under the law. In the U.S., we operate under a doctrine of ***employment at will****.* This doctrine, stated simply, means that unless there is a duly executed employment contract, an employer or employee can end an employment relationship at any time, and for any reason not already protected by law.

**Ask**:

1. Have you ever left a job or been fired using employment at will?
2. What are other things that employees expect on the job or that employers are responsible to provide?

**Facilitator Notes:**

*Equal Employment Opportunity and Discrimination*

Employers are required to provide a workplace free of discriminatory practices. Employees should expect the employer to abide by the terms of the Civil Rights Act of 1963, the Fair Labor Standards Act, the Americans with Disabilities, the Age Discrimination in Employment Act, and the Equal Pay Act are all laws that employees should expect to be enforced within the workplace.

*The Right to Collectively Bargain*

Under the National Labor Relations Act, employees have the right to form labor unions and to collectively bargain with the employer on issues such as working conditions, benefits, compensation, and more.

*Minimum Employment Standards*

Some employment laws establish minimum standards that employees should expect to see in the workplace in terms of safety, minimum wages, exemptions from overtime for some employees, and the guarantee of overtime for others. These are non-negotiables that any employee should expect to be provided by their employer.

Graphical user interface, application

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Time:  18 minutes

Running time: 90 minutes

**Objective**: Discuss the employer/employee relationship.

**Description**: Have students describe types of employment status and their relationship with their employer

**Instructional Method**: Lecture - Exercise

**Script**:

Part of creating a job is determining what kind of position it will be. Establishing an employee/employer relationshipoccurs during the job analysis process. The Fair Labor Standards Act provides guidance for the correct classification of employees.

**Exercise**: Types of Employees

1. Break students into 5 groups (one for each type of employee)
2. Have them discuss and research their type of employee (answer the 5 questions) – 5 minutes
3. Create a chart on the whiteboard to document the 5 questions
4. As each group reports on their type of employee fill in the chart and add info they forgot. – 3 minutes

**Note**: Be sure to explain the differences with the independent contractor.

**Facilitator Notes:**

Types of employees

1. **Full-time employee**- The FLSA does not distinguish between full- and part-time employees. However, it does dictate the payment of overtime for hours worked in excess of 40 in a workweek. There is no limit on the number of hours an employee can work in a given workweek unless they are 16 or younger. Typically, if employees are considered full-time, they are benefits-eligible. The IRS provides guidance for [identifying full-time employees.](https://www.irs.gov/affordable-care-act/employers/identifying-full-time-employees)
2. **Part-time employees**- Again, the FLSA doesn’t distinguish part-time employees, but the Affordable Care Act does. Under this law, employees are considered full-time and benefits-eligible if they work an average of 30 hours per week or 130 hours per month.
3. **Temporary/Seasonal workers**- Temporary and seasonal employees are still subject to all major employment laws and their protections, even though their engagement with the organization is short-lived.
4. **Interns**- Interns can be a touchy topic for employers. Historically, interns had basically no rights and were seen essentially as free labor. However, in some states, interns are required to receive at a minimum worker’s compensation benefits in the event they are injured on the job. Many states and localities require that interns be paid at least minimum wage as well.

Independent Contractors

What is an independent contractor?

An independent contractor is a professional in a field of study who is hired by an organization to work on a contractual basis for a specific job and period of time. These experts are self-employed and pay their own taxes, and are not covered by health insurance benefits.

Why do employers use independent contractors?

Employers use independent contractors to bring in special skills for short-term projects that they may not have in their organization. These individuals can be experts in any number of fields. For example, an organization might hire an independent contractor to develop its employee handbook or provide training for employees.

Determining Employment Status

Employers can’t call just anyone an independent contractor to avoid paying for benefits or abiding by employment laws. There are specific requirements for independent contractors.

1. Independent contractors have the right to control when, where, and how work is performed. They don’t have to punch a time clock and they don’t have to work at your location.
2. The contract is defined by time constraints
3. The work requires unique skills and/or education.
4. There is a contract that determines expected results and compensation.

**Right to control test**- A test to determine if a worker is an employee or an independent contractor. The test measures whether or not the employer has the right to control where, when, and how the job is accomplished.

If an employer has the right to control the manner in which the job is performed, they cannot be classified as an independent contractor and should instead be considered an employee.

Graphical user interface

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Time: 15 minutes

Running time: 80 minutes

**Objective**: Determine the appropriate laws to apply to given employment situations.

**Description**: Students will review the material by answering the questions on the slide.

**Instructional Method**: Pair and share discussions, exercises, homework

**Script:**Did you know that 20 states in the U.S. still follow the federal minimum wage? Check out the Department of Labor page that illustrates [State Minimum Wage Laws](https://www.dol.gov/agencies/whd/minimum-wage/state). Do you think the federal minimum wage should be raised? If so, to what? If not, why not?

**Discussion Prompts  
State Employment Law Focus**

1. The employment at will doctrine states that unless you have a contractual obligation, the employer/employee relationship can be terminated at any time for any legal reason. What are the legal reasons for termination, and how can an employer protect themselves from wrongful termination accusations?
2. Explain and discuss employees vs independent contractors. Why can’t an employer just hire everyone as independent contractors and avoid the expense of offering benefits?

**Facilitator Notes:**

**HR Skills Exercise**

Explain the doctrine of at-will employment and discuss how an employer might be sued for wrongful termination anyway in a short presentation suitable for educating management employees.

**Case Law in the Spotlight**

* [Community for Creative Non-Violence v. Reid 490 U.S. 730 (1989)](https://supreme.justia.com/cases/federal/us/490/730/)- *Determining if a hired party is an employee or an independent contractor.*
* [Dukowitz v. Hannon Security Services 841 N.W. 2d 147 (Minn. 2014)](https://casetext.com/case/dukowitz-v-hannon-sec-servs/)- *Wrongful termination of employment.*
* [Glatt v. Fox Searchlight Pictures 791 F. 3d 376 (2d Cir. 2015](https://casetext.com/case/glatt-v-fox-searchlight-pictures-inc))- *Establishing if interns are employees*
* [Lemmerman v. A.T. Williams Oil Co. 350 S.E.2d 83 (1986)](https://law.justia.com/cases/north-carolina/supreme-court/1986/224a86-2.html)- *Definition of an employee for Worker’s Compensation benefits.*

**Discussion Prompts**

1. The employment at will doctrine states that unless you have a contractual obligation, the employer/employee relationship can be terminated at any time for any legal reason. What are the legal reasons for termination, and how can an employer protect themselves from wrongful termination accusations?
2. Explain and discuss employees vs independent contractors. Why can’t an employer just hire everyone as independent contractors and avoid the expense of offering benefits?

**HR Skills Exercise**

Explain the doctrine of at-will employment and discuss how an employer might be sued for wrongful termination anyway in a short presentation suitable for educating management employees.

**Relevant Laws**

* Worker’s Compensation Act
* Railway Labor Act
* National Labor Relations Act
* Social Security Act
* Fair Labor Standards Act
* Labor-Management Relations Act
* Title VII of the Civil Rights Act
* Executive Order 11246
* Age Discrimination in Employment Act
* Occupational Safety and Health Act
* Rehabilitation Act
* Employee Retirement Income Security Act
* Pregnancy Discrimination Act
* Consolidated Omnibus Budget Reconciliation Act
* Immigration Reform and Control Act
* Employee Polygraph Protection Act
* Worker Adjustment and Retraining Notification Act
* Americans with Disabilities
* Older Workers Benefit Protection Act
* Civil Rights Act of 1991
* Family and Medical Leave Act
* Uniformed Services Employment and Reemployment Rights Act
* Health Insurance Portability and Accountability Act
* Pension Protection Act
* ADA Amendments Act
* Genetic Information Nondiscrimination Act
* Patient Protection and Affordable Care Act

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Time:  10 minutes

Running time: 90 minutes

**Objective**: Review main points in this module. Determine the appropriate laws to apply to given employment situations.

**Description**:  Be sure that students have a fun way to remember the material.

**Instructional Method**: Game – Review

**Script**:

Let’s see how much we remember about this module.

**Facilitator Notes:**

Review Exercise:  Create a fun game to review the material.  Remember to use the objectives to measure learning:

* Define the key terms related to employment law.
* Determine the appropriate laws to apply to given employment situations.
* Distinguish between employment law and labor.
* Discuss the employer/employee relationship.
* Describe the employment at will doctrine.
* Have each student submit a question on a piece of paper, crumple it up and toss it in a bucket (clean wastebasket), Instructor will then read them and give points to each team with the correct answer.
* Any game show – Family Feud, Jeopardy, $10,000 pyramid, Password, Tic Tac Toe
* Extra credit quizzes

There are many ways to review material virtually or in person.  Students can use their phones or computers to navigate to various online review websites.

A few are:

* Kahoot
* Quizlet