

Employment law compliance plan essay sample

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In response to your request I was able to create an employment law compliance plan for a Mr. Bradley Stonefield. Mr. Stonefield is planning to open a limousine service in Austin, Texas. The first year plan is for 25 employees. This memo will examine the employment laws and how they are applied. In addition, the penalties associated with noncompliance will also be addressed in this memo. There can be numerous consequences, if employment practices are not in compliance with employment laws. There will be five employment laws I will address in this memo. They are as follows: The Age Discrimination in Employment Act, The Immigration Reform and Control Act, The Americans with Disabilities Act, Family and the Medical Leave Act, and Fair Labor Standards Act.

The Age Discrimination in Employment Act of 1967

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. The ADEA is enforced by the Equal Employment Opportunity Commission. Since 1986, ADEA has also prohibited the mandatory retirement of employees in some sectors. ADEA also phased out mandatory retirement for tenured employees, such as college professors in 1993. Although ADEA was amended by the Civil Rights Act of 1991, it differs as it applies to employer's with 20 or more as opposed to only 15.

Age limits may be specified if there are bona fied occupational qualifications reasonably necessary to the normal operation of the particular business. If an employee prevails in a lawsuit brought under the Age Discrimination in

Employment Act, an employer could face the following penalties: injunctive relief, such as elimination of the discriminatory practice; hiring or reinstatement; promotion; back pay; front pay; retroactive benefits; liquidated damages, which can reach up to double the amount of unpaid wages owed if the employer knowingly disregarded ADEA, and attorneys' fees. Compensatory and punitive damages are only available if provided by state law (United States Department of Labor).

The Immigration Reform and Control Act of 1986

The Immigration Reform and Control Act of 1986 implements laws for hiring illegal immigrants, legalized some part time seasonal illegal workers, and even legalized some illegal immigrants who resided in the U. S. Before 1982. This act made it illegal to knowingly hire or recruit illegal immigrants. The act also required employers to attest to their employees immigration status. Due to this being a Limousine service, and not a agricultural company, the legalization of part time seasonal agricultural workers does not apply.

The Americans with Disabilities Act of 1990

The Americans with Disabilities Act excludes any organization from discriminating qualified people who have a disability. This law protects people with many different types of disabilities, consisting of things such as walking, talking, seeing, hearing, and learning. Other things covered under ADA are Post Traumatic Stress Disorder, Traumatic Brain Injury, HIV/AIDS, and even people recovering from addiction. Organizations must have functional accommodations to anyone with a bodily disability. The accommodations could range from an elevator, wheelchair access ramps, or <https://assignbuster.com/employment-law-compliance-plan-essay-sample/>

closed captioning for hearing impaired. It is imperative that organizations are in compliance with ADA. According to The Association of Corporate Counsel (1998-2014), “ Remedies for violations include hiring, reinstatement, promotion, back pay, front pay, restored benefits, reasonable accommodation, attorneys’ fees, expert-witness fees, court costs, court orders and civil penalties. Civil penalties may be up to \$55, 000 for a first violation or \$110, 000 for each subsequent violation. Intentional discrimination or an employer’s lack of good-faith effort to comply may warrant compensatory and punitive damages” (para. 5). Bona fied occupational qualifications requirement can also be implemented, and persons with disabilities must be able to meet those qualifications.

The Family Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) is a United States federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons. A job of comparable pay must be available to them when they come back to work. According to the Department of Labor, qualified medical and family reasons include: personal or family illness, family military leave, pregnancy, adoption, or the foster care placement of a child. However, due to the federal FMLA being applicable to employers of 50 or more employees, Mr. Stonefield will not have to worry about FMLA until he reaches that level of employees. Texas also does not have a lower threshold for amount of employees an employer must have to be accountable for FMLA.

Fair Labor Standards Act

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Fair Labor Standards Act is the last issue Mr. Stonefield will have to be compliant with. This act covers all most all employees. According to the Department of Labor, " it covers more than 130 million workers, both full time and part time, in the public and private sectors". This act sets standards for minimum wage, overtime, record-keeping and child labor. Employers must pay employees a minimum of \$7. 25 an hour, as a federal mandate. Texas does not have individual minimum wage laws as some states do, so to be in compliance, follow the federal mandate. Chauffeurs are covered by the FLSA if they receive at least \$1, 700 in cash wages from one employer in a calendar year, or if they work a total of more than eight hours a week for one or more employers. However, if the business does not have \$500, 000 annual volume, then FLSA does not apply. " Willful violators may be prosecuted criminally and fined up to \$10, 000. A second conviction may result in imprisonment. Employers who willfully or repeatedly violate the minimum wage or overtime pay requirements are subject to civil money penalties of up to \$1, 100 per violation."

REFERENCES

Association of Corporate Counsel. (1998-2014). Retrieved from <http://www.acc.com/legalresources/quickcounsel/tawda.cfm>

United States Department of Labor. (). Retrieved from <http://www.dol.gov/compliance/guide/minwage.htm#who>