

Term paper on mandatory benefits and compensation for employees

[Business](#), [Employee](#)



Introduction

Good employment and happy workers is one of the pillars of a good economy. It is a happy workforce and a healthy population that will ensure the future and the growth of the country. The United States Governments in the past have understood this assertion and have taken steps to enact employment laws that protect the interests of the workers.

These laws cover aspects regarding rights of the employees as well as the obligation of the employees to the employer to bring a harmonious employer-employee relation. Because employment and fields of practice vary in terms of place, industry, security and hardship, the set laws simply then provide guidelines to employers on how to handle benefits and compensation for their employee . The guidelines only handle the legal matters such as taxation, remuneration, termination of employment and discrimination at workplace. Some of the rules are applicable at the federal level, while others at the state level. This paper looks to examine the mandatory benefits and compensations provided in the Employment laws across the United States.

Medical Benefits

According to Hogler (2004), one of the most common and basic benefits that an employer must advance to the employees is the Medical Benefits. The federal government passed a legislation known as the Family and Medical Leave Act of 1993 . This act provides that an employer must allow an employee who has been in the firm for some time to take up to 12 weeks leave for medical reasons without losing the job. It also stipulates that the

rank, position or quality of the employee be preserved for the period of the leave.

The leave however has some prerequisite requirements for someone to qualify for the benefit. Firstly, the employee must have served in the company for at least 1,250 working hours or 12 months prior to the leave. Secondly, the grounds for such a leave must be backed by qualified medical reasons .

A more common form of benefit enjoyed by the American employees under the medical benefits is the Health Insurance Cover. This cover means to protect the employer against all the injuries sustained by the employees at the workplace. Therefore, employers are advised to take insurance to cover for financial losses that is sustained from such accidents and injuries.

Insurance is also advanced to the employees that ensure that they do not pay for medical expense as they visit the doctor. Common of these insurance covers include Life Insurance, Dental Insurance and other general forms of medical cover .

Should the employer decide to provide these medical covers, then other federal rules such as anti-discrimination laws will be applicable . These laws stipulate that matters regarding benefits, termination, hiring and provision of benefits shall not be discriminated on the basis of gender, race, age, religion or nationality of the employees.

The employer offering medical benefits must adhere to other standards.

Goldman (1996), explains that these standards are provided in the Employee Retirement Income Security Act (ERISA). This federal legislation sets standards for health care benefits and is intended to look after the interest of

the employees. In the act, the employer is required to declare to the employee all the aspect regarding the medical plan. These include the standard that qualifies an employee for the plan, the rights of the employee in the plan, the procedures involved in claims and any changes that may be effected in time. ERISA also requires that the employer should invest and manage the funds of the plans in manner that captures the best interests of the employees.

Social Security Disability Benefits

The Federal Government has set up a benefit scheme that pays for all the disabled persons. A governmental agency called Social Security Administration (SSA) was set up to help identify and provide for the disabled. According to the SSA, disability is the medical impairment, physical or mental, that significantly curtails the ability to do a job .

The benefit, just like the medical benefit, has some requirements that must be met for one to qualify. Firstly, the individual must prove such disability through diagnosis of a licensed medical physician. A report from the physician will be mandatory to ascertain such a claim. Secondly, as at 2004, the SSA granted this benefit to employees who earned less than 820 dollars annually. Such persons are granted cash advances due to their inability to perform a job.

Domestic Partner Benefits

This is the benefit granted to unmarried couples as if they were married. Domestic partners are defined unrelated non-married couples living in the same household just as married couples. This rule is enforced in several

states and cities, and is sometimes used to as distinguishing aspect when granting contracts and other economic engagements.

According to Goldman (1996), there are requirements set which the couple needs to meet to qualify for the benefit. Firstly, an eligible partner must be eighteen year old who must not relate to the employee biologically. This mean that the couple could as well be allowed to marry legally. Secondly, the couple needs to be in a sort of ' committed relationship' and relationship needs to be exclusive to one partner. The most important aspect that the benefit grants to partners of employees is medical coverage. While several employers may argue that this plan may be expensive, studies have shown that the plan is not as expensive as initially thought. This fact is attributed to the fact that non-married couple are in most cases young and healthy people who do not get medical problems regularly . The other benefits that come along with the plan include access to company property and consent to attend company functions. The plan also grants the employee sick leave in cases where the partner is unwell. However, this is a taxable benefit.

Military and re-employment benefits

The American military often recall veterans to cover for special missions. These veterans are persons who had retired from the active military roles and obtained employment in civilian companies. This benefit requires that troops recalled for active duty will allowed to do so and deemed to a sick leave. Thus, several guidelines have been provided to safeguard the rights of such reserve military members.

A federal law called The Uniformed Services Employment and Reemployment

Rights Act (USERRA) was passed in 1994 for protecting the rights of service men who are called back to active military engagement. In the act, the employer should consider recalled personnel as one who is on an unpaid leave. Therefore, when the employee returns to civilian life, he should be re-employed in the job and act at the same position as before the military engagement.

The reemployment rights also come with some conditions. These conditions provide a reapplication process that the returning personnel will follow to get his old job back. If the military engagement lasted less than thirty one days, then the employee needs to report to work on the next working period after travelling to workplace and resting for at least more than eight hours. Should the military service last for more thirty-one days but less than 181 days, then the employee has fourteen days within which to reapply for his old job. Finally, if the engagement lasted for more than 180 days, then the employees has ninety days within which to seek reappointment. The act provides that the maximum period of absence that a reserve military member is granted the benefit is five years.

Other general benefits may not be mandatory at the federal level, but is applicable in some states exist. These include a retirement plan, which ensures that the employer contributes towards the retirement plan for the employees. In this method, the employee is required to register with a federal retirement scheme. The employer on the other hand, should ensure that contributions to the scheme are on time as well as contributing some cash on behalf of the employee.

Conclusion

While some scholars have argued that a salary or remuneration is a form of compensation, some disagree asserting that compensation is not remuneration rather a show a appreciation for the work done. In as much as both arguments may valid, employee do not always seek compensation rather than a measure of the work done. Thus, other matters not regarding the amount or level of work done, then benefits and compensation o reimburses the staff. The United States is one best working environment s in the world. An American employee is well covered. Employers are legally required to provide these benefits to every employee without any form of discrimination.

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