

EMPLOYMENT LAW FOR LOCAL CHURCHES & SCHOOLS

Many churches and schools employ individuals in various capacities. Employment is far more complicated and risky today than it was even a few decades ago. Issues such as payroll, reporting requirements, employment discrimination and negligent hiring now play a large part in the employment equation. Following is a summary of employment law that may impact your employment practice.

Fair Labor Standards Act (FLSA) – Regulates wages, working hours, overtime and record keeping of employees unless the employee is exempt; regulates employment of minors, students, learners and apprentices; provides for the recovery of wages and penalties for violations.

Minimum Wage: As of July 24, 2008, \$5.85/hour.

Working Hours: Requires overtime of 1 ½ times employee's regular pay for hours worked in excess of 40 per work week.

Records: Employers must keep track of wages paid and hours worked as well as other mandatory personal and payroll information for eligible employees.

Child Labor: Complex federal and state laws regulate the employment of children under the age of 18. Basically, employees who are 16 and 17 may work at non-hazardous jobs for unlimited hours. More restrictive conditions apply to 14 and 15 year-old workers.

Exemption From Wage & Hour Law: Some employees, usually referred to as "exempt," are not subject to the minimum wage and overtime provisions of the FLSA. They must meet specific criteria in either executive, administrative or professional occupations to be classified as exempt.

Equal Pay Act (EPA) – An amendment to the Fair Labor Standards Act which eliminates wage differentials based on gender; prohibits wage discrimination by requiring equal pay for equal work.

Civil Rights Act of 1964, (Title VII) – Prohibits discrimination in all terms and conditions of employment on the basis of race, color, religion, sex or national origin; requires that all persons of the same skills, seniority and background be treated similarly. Religious organizations do have a constitutional right to hire only members of their faith.

Jury Service and Selection Act of 1968 – Prohibits employers from discharging, intimidating or coercing full time employees from serving on a jury.

Occupational Safety and Health Act (OSHA) – Sets health and safety standards for employees.

EMPLOYMENT LAW, Cont'd

Age Discrimination in Employment Act of 1978 (ADEA) – Prohibits discrimination in employment for persons 40 years and over; an amendment in 1986 eliminated the age at which an employee could be forced to retire.

Pregnancy Discrimination Act (PDA) – An amendment to Title VII which prohibits discrimination on the basis of pregnancy, childbirth, or related conditions.

Immigration Reform and Control Act (IRCA) – Requires employers to obtain from new hires specific documents both of identity and eligibility to work in the U.S. Requires completion of Form I-9.

Americans with Disabilities Act (ADA) – Prohibits employers from discrimination against qualified disabled individuals in hiring, firing, promotions, compensation, job training and other terms of employment.

Older Workers Benefit Protection Act (OWBPA) – Amends ADEA and requires equal treatment for older workers in retirement and severance situations.

Civil Rights Act of 1991 (CRA) – Amends Title VII and ADA by creating new damage awards for intentional discrimination claims; creates the right to demand a jury trial in cases in which the new damage awards are sought.

Family and Medical Leave Act (FMLA) – Prohibits employers with 50 or more employees from terminating employees who require unpaid leave for personal illness or family care or illness; requires up to 12 weeks of leave during any 12 month period for eligible employees for qualifying reasons.

New Hire Reporting – Federal law establishes a State Directory of New Hires. Employers must furnish the Directory a report, generally within 20 days after employee is hired.

Notices – Practically all federal and most state employment laws have notice posting requirements. Such notices must be posted conspicuously so that employees can readily see them as they enter and exit the workplace.

Other Laws, including EMPLOYEE POLYGRAPH PROTECTION ACT, CONSUMER CREDIT PROTECTION ACT, FAIR CREDIT REPORTING ACT, EMPLOYEE RETIREMENT INCOME SECURITY ACT, MILITARY SELECTIVE SERVICE ACT, impact on an employer.

For further information or clarification of these laws, feel free to contact the Human Resources Director.