

Employment Law

Absences from the Workplace

Requirement References:

- 29 CFR 825.100: Chapter V Wage and Hour Division, Department of Labor
- The Family and Medical Leave Act of 1993
- Uniformed Services Employment and Reemployment Rights Act (USERRA) (USERRA replaces the Veterans' Reemployment Rights (VRR) statute (P.L. 103-353, 108 Stat. 3149; 38 USC §43)
- Jury Systems Improvement Act of 1978

Goal:

The goal of this lesson is to provide awareness training in the federal laws that cover employee absences from the work place for family and medical leave, military leave, and jury duty leave.

Objectives:

- Identify federal employment laws that cover employee absences from the workplace.
- Identify federal employment law requirements for covered employers and eligible employees.
- Identify federal employment law requirements for advance notice of absence, medical certification, and returning to work.
- Identify federal employment law provisions for job benefits and job protection.

AIDS in the Workplace

Requirement References:

- American Red Cross: Workplace HIV/AIDS Program; Course Number 3501
- Centers for Disease Control and Prevention
- National Leadership Coalition on AIDS

Goal:

In this lesson you will learn the facts and myths about HIV, ways to manage the risk of infection, fair employment practices related to HIV infected employees, and elements of an HIV/AIDS workplace policy.

Objectives:

- Identify facts and myths about HIV.
- Identify ways to manage risk of infection.
- Identify fair employment practices related to HIV infected employees.
- Identify elements of an HIV/AIDS workplace policy.



Computer Security

Requirement References:

- Section 1030 of Title 18 of the United State Code (18 U.S.C. §1030)

Goal:

Students will be able to define measures to ensure the security of the computer systems, know how to respond to potential violations, recognize essential and sensitive data and its associated protections, and identify authorized computer uses.

Objectives:

- Identify computer security measures including use of passwords, data backups, contingency planning, and virus scanning.
- Define sensitive data and identify how to protect it.
- Identify authorized computer uses.
- Recognize additional user responsibilities when transferring computers and reporting security violations.

Disability in the Workplace

Requirement References:

- Americans with Disabilities Act of 1990
- ADA Technical Assistance Manual, Title II

Goal:

Students will be able to recognize the key elements of the ADA, how it affects the workplace, public accommodations, discriminate between examples of situations meeting and violating the ADA, and how to appropriately interact with people with disabilities.

Objectives:

- Identify the purpose and scope of Americans with Disabilities Act (ADA), define disability, and recognize examples of disabilities.
- Identify the requirements mandated in the Employment (Title I) section by defining "qualified with a disability," "reasonable accommodations," "essential functions," and "undue hardship."
- Determine whether specific examples are in compliance with or in violation of ADA.

Discrimination-Free Workplace

Requirement References:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, sex, color, religion, and national origin.
- Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against employees and applicants who are 40 years of age or over.
- Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits employment discrimination against qualified individuals with disabilities. The Act requires employers to make reasonable accommodation to facilitate employment of disabled individuals unless the employer can show the accommodation would impose undue hardship on the operation of business.
- The Civil Rights Act of 1991 expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination, and provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace.
- Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.

Goal:

This lesson provides employers and managers an awareness of issues relating to discrimination in the workplace and practical considerations for avoiding discriminatory practices, including discrimination associated with race, color, religion, sex, national origin, age, and physical or mental disability.

Objectives:

- State what constitutes employment discrimination.
- Identify the federal discrimination laws in place to protect individual worker's rights.
- Recognize the importance of promoting a discrimination free workplace.
- Identify recommended guidelines for employers and managers.
- Recognize the actions taken if a discrimination charge is made.

Drug-Free Workplace

Requirement References:

- Drug-Free Workplace Act of 1988 (Public Law 100-690)
- SUBPART 9.4--DEBARMENT, SUSPENSION, AND INELIGIBILITY
- The National Drug Control Strategy: 1996

Goal:

The goal of this lesson is to reduce the financial and personnel cost of injuries and lost workdays due to controllable factors such as illness, use of medication, alcohol abuse, and drug abuse.

Objectives:

- Identify and state why they should be concerned about substance abuse at work.
- Identify and state how they can identify substance abuse problems.
- Identify and state how to report their concerns and how to get help for themselves if they have a substance abuse problem.



Employee Concerns

Requirement References:

There are no regulatory requirements for this lesson.

Goal:

Upon completion of this lesson, the student will state the purpose, scope, and elements of an Employee Concerns Program, the preferred process for resolving workplace concerns, identify rights and responsibilities of employees and management, as well state the key steps that occur when a concern is raised.

Objectives:

- Identify the purpose, scope, and elements of an Employee Concerns "Program" or an employee concerns reporting mechanism.
- State the preferred process for reporting and resolving workplace problems or concerns.
- Identify the rights and responsibilities of employees and management in resolving concerns.
- State the key steps that occur following an employee concern being raised.

Ethics

Requirement References:

- Anti-Trust Law - Sherman Act (15 U.S.C. Chapter 1)
- Copyright Law (17 U.S.C. Sections 101-810)
- Intellectual property laws (35 U.S.C. and Title 17 C.F.R. Chapter 1)

Goal:

Each employee will state the purpose of an ethics program, identify specific ethics standards, recognize their responsibility to comply with these standards, identify disciplinary actions that can result from non-compliance, and identify how to properly raise ethical concerns and seek additional counsel. The student will also recognize the application of ethics principles through the use of case studies.

Objectives:

- State the purpose of an ethics program, define ethics, and list common characteristics of the ethics program.
- Identify ethical standards for fairness and honesty, accurate record keeping, and complying with antitrust laws.
- Identify ethical standards for giving and receiving gifts, gratuities, and entertainment with customers and suppliers, government and non-government personnel, and foreign officials.
- Identify standards for handling conflicts of interest, financial standards, including preservation of assets, restrictive trade practices, intellectual properties, and employee relations.
- Recognize the responsibility to comply with and report suspected ethical violations, what disciplinary action could result from failure to comply with or report violations, and how to raise ethical concerns and seek additional counsel.
- Recognize the application of ethics principles through the use of case studies.



Hiring and Lawful Termination

Requirement References:

- Civil Rights Act of 1964
- Americans with Disabilities Act of 1990
- Age Discrimination Employment Act of 1967

Goal:

Employers and managers will identify the laws that provide protection against discrimination, recognize legal application and interview questions, and state legal requirements and appropriate actions prior to, during, and after an employment termination.

Objectives:

- Identify relevant laws and their associated requirements to prevent discrimination in the hiring process.
- Recognize legal criteria for application and interview questions and good practices for interviews.
- State legal requirements and appropriate considerations prior to termination.
- State legal requirements and appropriate actions for an employment termination interview.
- State legal requirements and appropriate actions following the termination of an employee.

Sexual Harassment for Employees

Requirement References:

- Title VII of the Civil Rights Law 1964
- Equal Employment Opportunity Commission

Goal:

To train employees to recognize, report, and prevent incidents of sexual harassment in the workplace.

Objectives:

- Define Sexual Harassment.
- Identify behaviors that might be considered sexual harassment.
- Identify the proper actions employees should take if they experience or witness sexual harassment.
- Understand personal liability and the liability of others when sexual harassment takes place.

Sexual Harassment for Managers

Requirement References:

- Title VII of the Civil Rights Act of 1964
- Equal Employment Opportunity Commission

Goal:

The goal of this course is to train managers to prevent sexual harassment, respond to complaints, and deal with and prevent retaliation.

Objectives:

- Know why understanding sexual harassment in the workplace is important.
- Know the responsibilities of the company and managers.
- Know how to prevent sexual harassment.
- Know how to respond to complaints.
- Know how to deal with and prevent retaliation.



Sexual Harassment for Supervisors (2 hr)

Requirement References:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Title I – Americans with Disabilities Act of 1992 (ADA)
- Civil Rights Act of 1991
- Equal Pay Act of 1963
- EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors
- *Faragher v. City of Boca Raton* , 118 S. Ct. 2275 (1998)
- *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998)

Goal:

The goal of this course is to train supervisors and managers to recognize, prevent, and correct sexual harassment, respond to complaints, identify retaliation, and promote a discrimination-free workplace.

Objectives:

Upon completion of this lesson the learner will:

1. Recognize why understanding sexual harassment in the workplace is important for managers.
2. Identify the responsibilities of the company and managers regarding discrimination and sexual harassment in the workplace.
3. Identify federal and state laws regarding discrimination and sexual harassment in the workplace.
4. Define sexual harassment.
5. Identify behaviors that might be considered sexual harassment.
6. Identify managerial actions that can help prevent sexual harassment in the workplace.
7. Explain precautions employers can take to exercise due care to prevent and correct sexual harassment.
8. Identify the steps an employee should take if sexual harassment occurs.
9. Identify the steps a manager should take in response to a sexual harassment complaint.
10. Identify examples of retaliation.
11. Identify steps a manager can take to promote a discrimination-free workplace.

Violence in the Workplace

Requirement References:

- National Institute for Occupational Safety and Health (NIOSH)
- OSHA "Violence in the Workplace"; General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act (OSHA) of 1970

Goal:

In this course the student will understand the risks of violence in the workplace and learn how they can protect themselves, fellow employees, and the public from harm.

Objectives:

- Define workplace violence.
- Recognize the factors that increase the risk of workplace violence.
- Identify the four categories of workplace violence.
- Identify how to prevent violent events.
- Identify action to take when involved in a violent event.
- Identify response and reporting actions after a violent incident takes place.