



Employment Law Considerations for Health Care Transactions

Linda C. Schoonmaker

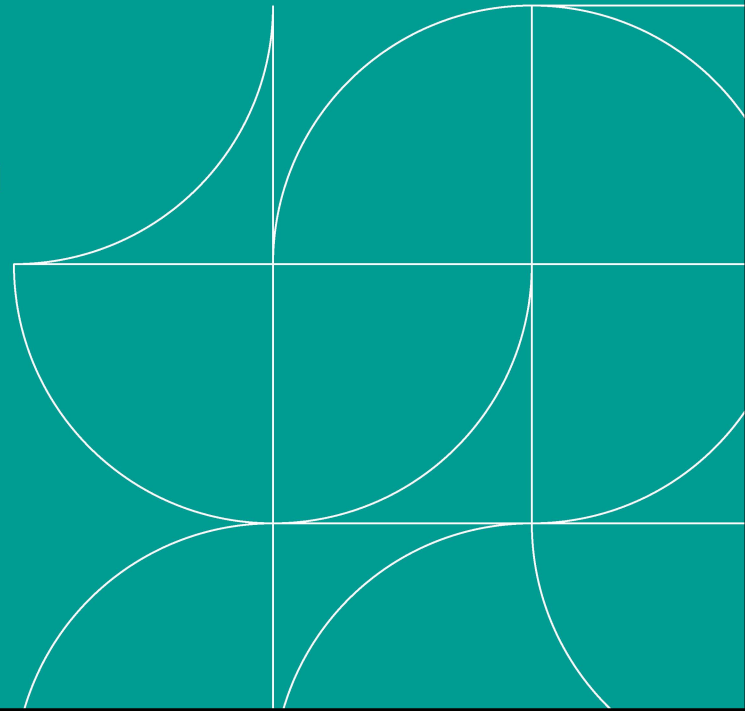
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Agenda

1. The Basics

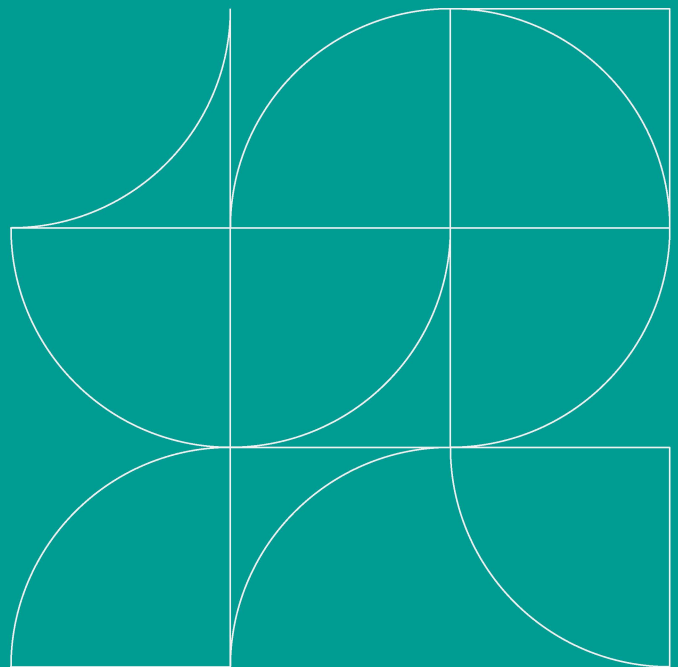
- a) Major Federal Employment Laws
- b) Forms of Harassment
- c) Retaliation
- d) Corporate Liability
- e) Wage and Hour Laws

2. The Details

- a) The EEOC Process
- b) The Dept. of Labor Process
- c) Employment Contract Reviews
- d) Policy and Training Reviews

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Major Federal Employment Laws



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Major Federal Employment Laws

- Title VII
 - Prohibits discrimination or harassment based on race, color, religion, sex, and national origin
 - Requires "reasonable accommodation" for religion
- Pregnant Workers Fairness Act
 - Requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions.
 - Employer has an undue hardship defense.

Major Federal Employment Laws (cont'd)

- Americans With Disabilities Act (ADA)
 - Prohibits discrimination or harassment against a qualified individual with a disability
 - Whether someone is qualified can depend on what the job description contains with regard to education, experience and essential job functions
 - Key issue is the definition of "disability"
 - Covers four categories of individuals:
 - those with a disability
 - those with a record of a disability
 - those who are perceived to have a disability
 - those associated with someone with a disability
 - Requires "reasonable accommodation"
 - Must have an interactive process
 - Arrive at the accommodation that works

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