



# Employment Law Considerations for Health Care Transactions

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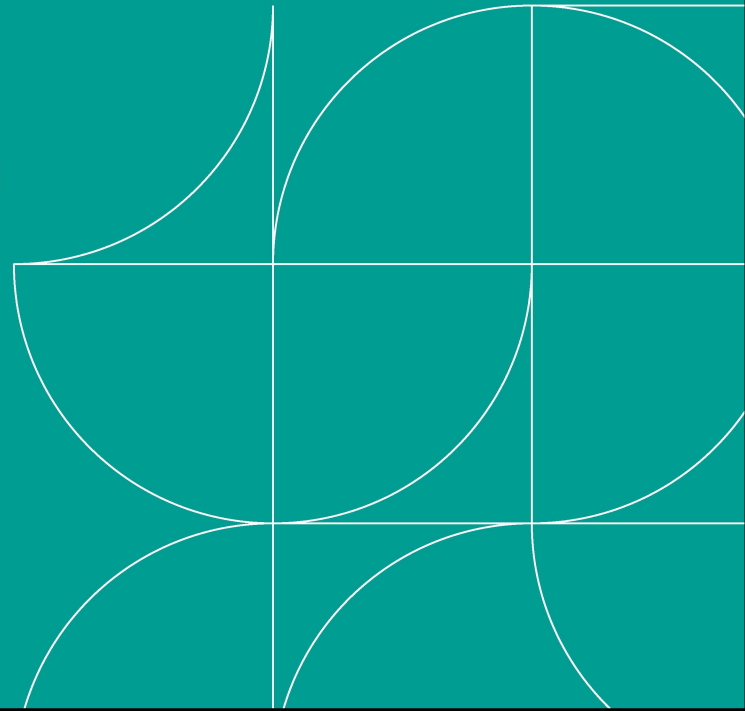
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## Seyfarth Shaw LLP

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# Agenda

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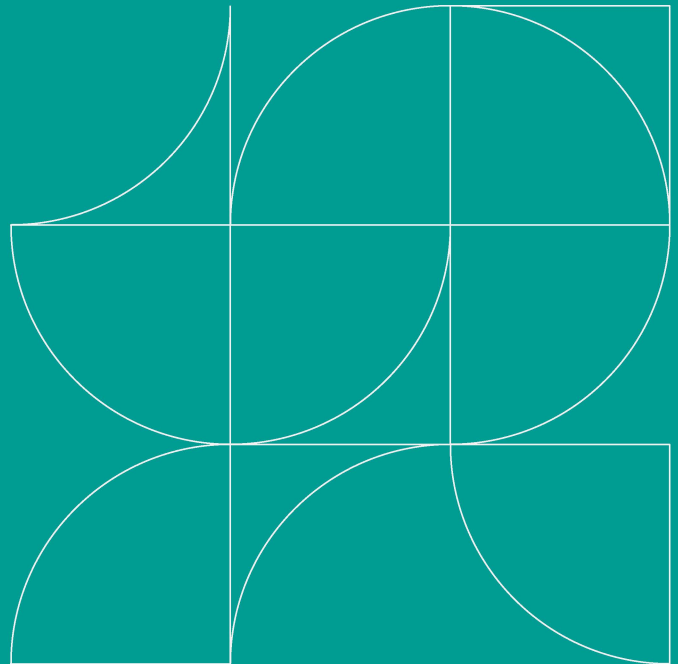
## 1. The Basics

- 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

# Major Federal Employment Laws



## Major Federal Employment Laws

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- 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)

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- 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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"Employment Law Considerations for Health Care Transactions"