

# The top 5 manager mistakes that cause lawsuits

Being a manager is hard work, but it's also legally dangerous work. Employee lawsuits are exploding nationwide in the past few years, and manager mistakes are the cause of many of those lawsuits. That's why it's important for managers to know at least the basics of employment law. Business Management Daily's Editorial Director Pat DiDomenico describes the top five manager mistakes that cause lawsuits.

**#1. Job discrimination:** Title VII of the Civil Rights Act of 1964 is the main federal anti-discrimination law in America. It prohibits employers from discriminating in any aspect of the job based on the person's protected characteristics. What is a protected characteristic? It includes a person's race, religion, gender or national origin. Title VII also prohibits sexual harassment in the workplace. What does this mean for managers? Treat all employees and applicants equally — without regard to their race, religion, gender or any other aspect unrelated to their job. Demand the same thing from anyone that you supervise, too.

**#2. The Age Discrimination in Employment Act:** This law says you can't discriminate in any way against applicants or employees who are older than 40 based on their age. This has become a big issue these days as more baby boomers move into their retirement years. For managers, this means you should never take into account a person's age or their proximity to retirement when making decisions on pay, hiring, firing or benefits.

**#3. The Americans with Disabilities Act:** This law makes it unlawful to discriminate against people with qualified disabilities in the workplace. Your company is required to offer disabled people a "reasonable accommodation" to help them do their job. This can mean anything from giving them a new chair at their desk or giving them extra time to get to work. What does this mean for you? Never immediately reject an applicant because you think their disability would prevent them from doing the job. When you're hiring, stick to questions about the applicant's ability to do the work at hand. Ignore any apparent disabilities. For your disabled people on staff, work with them to accommodate their needs.

**#4. The Fair Labor Standards Act:** The FLSA is the nation's main wage and hour law. It sets the federal minimum wage and requires you to pay time and a half overtime to hourly employees who work more than 40 hours in a workweek. This also sets the law for teenagers — when they can work and what type of duties they can have. The biggest problem that managers get into with the federal FLSA is overtime. They allow hourly employees to work off the clock and don't pay them for it. The Internet and smart phones have made working off the clock a whole lot easier and it's triggered more lawsuits. In fact, the number of FLSA lawsuits in the past 10 years has doubled. So what does this mean for managers? Always pay employees above the minimum wage. If hourly employees work more than 40 hours in a workweek, you have to pay them overtime even if you didn't authorize it. When disciplining employees who work overtime without authorization, don't hit their paychecks — hit them with some kind of other discipline. You have to pay for those hours.

**#5. The Family and Medical Leave Act:** The FMLA applies to companies with 50 or more workers. It says

employees with at least a year on the job can take up to twelve weeks per year of unpaid, job-protected leave for one of three reasons: the birth or adoption of a child, to care for their own serious health condition, or to care for a sick child, spouse or parent who has a serious health condition. What does this mean for managers? If you have an employee who comes to you with a leave request that could qualify under the FMLA, contact HR. Realize that he or she doesn't need to use the words FMLA or Family Medical Leave Act to request such a leave. Also, never retaliate against an employee for taking FMLA leave. That would be illegal.