

Chapter 29 Study Guide: Employment and Labor Law

Employment Security

- What is FMLA and what does it do?
 - FMLA – Family and Medical Leave Act
 - Guarantees both men and women up to 12 weeks of unpaid leave each year for childbirth, adoption, or a serious health condition of their own or in their immediate family

Wrongful Discharge

- When is an Employer prohibited from firing a worker?
 - When an employee is refusing to violate the law (if the instruction of the employer breaks the law)
 - When an employee is exercising a legal right (such as filing for workers' compensation)
 - When an employee is performing a duty (such as jury duty)

Contract Law

- What if an employer makes promises during the hiring process?
 - Promises made to job applicants are generally binding even if not approved by the top executives
- Does an employee handbook create a contract?
 - Yes
- What is an implied covenant of good faith and fair dealing?
 - Requires both parties to behave reasonable, making an honest effort to meet both the spirit and the letter of the contract

Defamation

- What is qualified privilege?
 - Qualified Privilege – employers who give references are only liable for false statements that they know are false or are motivated by ill will
- What if potentially dangerous information is withheld by an employer for an employee reference?
 - Generally, courts have held that employers do not have a legal obligation to disclose information about former employees (just salary and start and end dates)
 - If they outwardly misrepresent a dangerous employee, they may be liable

Intentional Infliction of Emotional Distress

- What is intentional infliction of emotional distress? Is an employer liable?
 - Intentional Infliction of Emotional Distress – an intentional tort in which the harm results from extreme and outrageous conduct that causes serious harm
 - If an employer condones cruel treatment, they may be found liable

Whistleblowers

Chapter 29 Study Guide Landing

Andrew J. Lamont-Turner



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Table of Contents Chapter 29 Study Guide Landing

1. Understanding the eBook Chapter 29 Study Guide Landing
 - The Rise of Digital Reading Chapter 29 Study Guide Landing
 - Advantages of eBooks Over Traditional Books
2. Identifying Chapter 29 Study Guide Landing
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Chapter 29 Study Guide Landing
 - User-Friendly Interface
4. Exploring eBook Recommendations from Chapter 29 Study Guide Landing
 - Personalized Recommendations
 - Chapter 29 Study Guide Landing User Reviews and Ratings
 - Chapter 29 Study Guide Landing and Bestseller Lists

5. Accessing Chapter 29 Study Guide Landing Free and Paid eBooks
 - Chapter 29 Study Guide Landing Public Domain eBooks
 - Chapter 29 Study Guide Landing eBook Subscription Services
 - Chapter 29 Study Guide Landing Budget-Friendly Options
6. Navigating Chapter 29 Study Guide Landing eBook Formats
 - ePub, PDF, MOBI, and More
 - Chapter 29 Study Guide Landing Compatibility with Devices
 - Chapter 29 Study Guide Landing Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Chapter 29 Study Guide Landing
 - Highlighting and Note-Taking Chapter 29 Study Guide Landing
 - Interactive Elements Chapter 29 Study Guide Landing
8. Staying Engaged with Chapter 29 Study Guide Landing
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Chapter 29 Study Guide Landing
9. Balancing eBooks and Physical Books Chapter 29 Study Guide Landing
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Chapter 29 Study Guide Landing
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Chapter 29 Study Guide Landing
 - Setting Reading Goals Chapter 29 Study Guide Landing
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Chapter 29 Study Guide Landing
 - Fact-Checking eBook Content of Chapter 29 Study Guide Landing
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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