

LAW

Regulations and agreements protect bosses, workers

Employers are the last true lords of their realm. As in days of yore, they rule as they please. They may hire those whom they favor and fire people who fall from grace.

Nevertheless, there are some rules bosses must follow that are defined under two recent developments in employment law: government regulations and employment agreements.

This article will shed a little light on the rules and resulting benefits.

Government regs

Governments have a substantial interest in making sure that employers meet regulations ensuring fair and equal employment. Furthermore, opportunity for employment is also critical to the nation's stability and economic health.

There are essentially three primary rules that come from governmental regulations:

1. An employer may not deny employment to anyone based on race, sex, national origin, religion, age or disability.

2. Once someone is hired, an employer must treat that person on a fair and equal basis.

3. An employer may not terminate anyone because of race, sex, national origin, religion, age or disability.

Employers foolish enough to disregard these rules could find themselves exposed to compensatory damages, and possibly punitive damages and attorney's fees.

Job agreements

Rules contained in job agreements can be beneficial to employers and workers alike.



Since most such agreements address all facets of work, they create all kinds of rules — job duties, rates of compensation, vacation and sick time, medical and pension benefits, and procedures



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for discipline and termination. Once the employer and employee sign off, they are contractually bound. Should one party fail to live up to the rules, the other par-

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ty has the right to sue for breach of contract, and recover losses and damages arising from the violation.

Employers

Employers can retain valued employees for specified periods of time, including people with special skills or who provide essential services. Agreements are an ideal way of keeping a good employee happy and content.

An agreement may include a covenant barring an employee from setting up a competitive enterprise, seeking work with a competing business or soliciting the employer's customers. If the rules are fair and reasonable, the courts will require the employee to comply.

Employees

Workers can obtain contractual entitlements to things that could other-

wise be taken away at the whim of the employer. Those may include specific duties, wages and job benefits, such as vacation, sick leave and medical insurance that are binding for the duration of the agreement.

Agreements can also protect an employee's job via rules for discipline and termination. Employers must follow the rules, which nearly always provide that a worker can be terminated for cause only.

In these troubled times, having job security under an employment agreement can be a real blessing.

Tom Keuler has been a partner in Paducah's Denton & Keuler law firm for more than 30 years. He represents many of the firm's commercial, industrial and banking clients, and has been special counsel to the City of Paducah and counsel to the Municipal Commission in Frankfort.