



## Hiring Employees



## Objectives

- Job Postings
- Applications and Interviews
  - Employment at-will
  - Wrongful discharge





## Job Postings

- Cannot include preference or limitation based on protected classes
- State laws may be broader in what classes are protected
- Word of mouth recruiting
  - Supplement with distribution designed to reach larger audience



## Application and Interviews

- Do not make statements that suggest preference or limitation based on protected class or other factors
- Gender, age, race, citizenship, national origin, religion, disability, conviction or arrest record, education, or credit
- Keep disparate impact issues in mind for less obvious categories





## At-Will Employment

- Most employees are hired as at-will employees
- No contract or agreement to maintain employment for a specific term
- Either employer or employee can terminate the relationship at any time, for any reason, except a discriminatory or illegal reason



## Wrongful Discharge

- Public Policy
  - Refusing to break the law
  - Whistleblower
  - Exercising a legal right (i.e. worker's comp claim)
- Implied Contract
  - Long term employee with a good record
  - Oral or written assurances
  - Covenant of good faith and fair dealing





## Summary

- Legal framework designed to prevent discrimination and harassment in the workplace
- Be careful about comments made in job postings, applications, and interviews
- Most employment is at-will, but a court could imply an employment contract based on certain conduct

