

## **Basic Employment Law**

Employment law is complicated. The purpose of this overview is to briefly review some requirements. This overview should not be considered a substitute for competent legal counsel.

### **When You Hire an Employee:**

1. You cannot base hiring decisions on personal characteristics that are not job-related. These characteristics often include: age, race, color, religion, sex, national origin, or disability. As an interviewer, you are not allowed to ask questions relating to these characteristics. It is illegal for an employer to consider these characteristics with regard to promotions, job assignments, termination, or wages.
2. You must hire people who are authorized to work in the United States — citizens and legal aliens with proper documentation. You are required to complete a Form I-9 to verify their authorization to work.
3. Avoid classifying your workers as independent contractors.

### **After You Hire an Employee:**

1. The work environment must be “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”
2. Your employees should not be subjected to circumstances that would create a “hostile work environment.” Such an environment can be many things, but an employee should never be subjected to sexual harassment or belittlement, jokes, or prejudice because of their age, race, color, religion, sex, national origin, or disability.
3. You must pay your employees at least minimum wage. You must pay your employees at least one and one half times their regular pay for all hours worked in excess of 40 hours in a workweek.

### **If You Need to Terminate Employment:**

South Carolina is an Employment at Will state, meaning that both you and your employee have the right to terminate employment with or without cause; but it is important that you treat people professionally and fairly. You cannot lay off an employee because of their age, race, color, religion, sex, national origin, or disability.

### **More Information:**

1. For free information you can access: Federal Department of Labor: [www.dol.gov](http://www.dol.gov). They issue a *Small Business Handbook*.
2. Recommended Reading: *The Employer’s Legal Handbook*, published by Nolo. This book can be purchased online at [www.nolo.com](http://www.nolo.com) or from area bookstores.

### **Questions?**

Please contact your local CLTC Office.