

OVERVIEW OF EMPLOYMENT LAW

by

Scott Warrick, JD, MLHR, CEQC, SHRM-SCP
Scott Warrick Human Resource Consulting, Coaching & Training Services
&
Scott Warrick Employment Law Services

(614) 738-8317 ♣ scott@scottwarrick.com

WWW.SCOTTWARRICK.COM

Link Up With Scott On [LinkedIn](#)

HIGHLIGHTED AREAS HAVE BEEN NEWLY UPDATED

- I. **TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**
 - A. **Coverage**
 - B. **Types of Discrimination: Disparate Treatment, Disparate Impact and “Systemic” Disparate Treatment**
- II. **EMPLOYMENT-AT-WILL DOCTRINE**
 - A. **Employment-At-Will And The Common Law**
 - B. **Statutory Rights Exception**
- III. **U.S. SUPREME COURT: PLEADING REQUIREMENTS IN EMPLOYMENT DISCRIMINATION CASES**
 - A. **No Facts Are Needed To Plead Employment Law Cases**
- IV. **INTENTIONAL DISCRIMINATION: DISPARATE TREATMENT**
 - A. **Discriminatory Intent: Direct Evidence**
 - B. **Direct Evidence Of Discrimination And Mixed Motive Cases**
 - C. **The Disparate Treatment Prima Facie Case And Circumstantial Evidence Of Discrimination In Forming A Prima Facie Case of Discrimination**
 - D. **“Systemic” Disparate Treatment**
- V. **WHY WAS I FIRED? PICK A REASON!!!**

- VI. WORKPLACE INVESTIGATIONS AND HONEST BELIEF RULE**
- VII. STUPID COMMENTS DEFEAT HONEST BELIEF RULE**
- VIII. U.S. SUPREME COURT: CAT'S PAW THEORY**
- IX. STATUTE OF LIMITATIONS FOR FILING AN EEOC CHARGE**
- X. EMPLOYER DEFENSES TO DISPARATE TREATMENT CLAIMS**
 - A. Bona Fide Occupational Qualification ("BFOQ")**
 - B. Rebutting The Inference Of Discriminatory Intent**
 - C. Legitimate Business Reason and Business Judgment**
 - D. "Same Actor" Defense**
- XI. CIRCUIT COURT RE-EXAMINES "SIMILARLY SITUATED" EMPLOYEES IN DISCRIMINATION CLAIMS**
- XII. CIRCUIT COURT FURTHER DEFINES "SIMILARLY SITUATED"**
- XIII. UNINTENTIONAL DISCRIMINATION: DISPARATE IMPACT**
 - A. Disparate Impact: 80% Rule**
 - B. Business Necessity and Job Relatedness And Adverse Impact**
 - C. Professionally Developed Tests: Statutory Exception To Claims Of Disparate Impact**
 - D. Bona Fide Seniority Systems**
- XIV. EEOC: ANTI-DISCRIMINATION LAWS MAY APPLY TO VICTIMS OF VIOLENCE**
- XV. EQUAL PAY ACT OF 1963**
 - A. Coverage**
 - B. Prima Facie Case Under The EPA**
 - C. Employer Defenses**
 - D. Geographic Location**
 - E. Unequal Pay And Equal Work**

F. Can Title VII Be Used To Attack Gender-Based Wage Discrimination?

XVI. SEX-PLUS DISCRIMINATION

A. Definition

B. Grooming And Dress Codes: Sexual Stereotyping

C. U.S. Supreme Court Overturns State Bans On Same Sex Marriage

D. EEOC Upholds TITLE VII As Covering Sexual Orientation

E. Circuit Court REVERSES ITSELF and Gives “PROTECTED CLASS STATUS” to Sexual Orientation Under TITLE VII

XVII. RELIGIOUS DISCRIMINATION

A. Definition

B. Duty To Reasonably Accommodate

C. Undue Burden

D. Exemption For Religious Entities

E. BFOQ Defense For Religious Discrimination

F. U.S. Supreme Court Decides Religious Accommodation

XVIII. ARE HAIRSTYLES PROTECTED?

A. Are “Dreadlocks” Protected Under Racial Discrimination?

B. Are “Dreadlocks” Protected Under Religious Discrimination?

XIX. NATIONAL ORIGIN

A. Definition

B. Language

C. EEOC Updates Guidance On National Origin Bias

XX. PREGNANCY DISCRIMINATION ACT OF 1978

A. Coverage of PDA

B. U.S. Supreme Court Adopts New PDA Standard

C. EEOC Issues PDA Guidance Under Young

XXI. U.S. SUPREME COURT REJECTS CONTRACEPTIVES MANDATE FOR PRIVATELY HELD COMPANIES

XXII. BREAST FEEDING LAW

XXIII. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA) OF 1967

A. Coverage

B. Prima Facie Case

C. Disparate Impact?

D. Reduction in Force

E. Defenses to ADEA

XXIV. CIVIL RIGHTS ACT OF 1866: SECTION 1981

A. Equal Rights Under Contracts

B. All Races Are Covered By § 1981

C. What Is A “Race” Under § 1981?

XXV. CIVIL RIGHTS ACT OF 1991

A. Jury Trials

B. Compensatory And Punitive Damages

C. The Kolstad Case

D. Application Of The Law To American Workers Abroad

E. ADEA Statute Of Limitations



Scott Warrick, JD, MLHR, CEQC, SHRM-SCP

*Scott Warrick Human Resource Consulting, Coaching & Training Services
&*

Scott Warrick Employment Law Services

(614) 738-8317 ♣ scott@scottwarrick.com

WWW.SCOTTWARRICK.COM

Link Up With Scott On [LinkedIn](#)

Business First's 20 People To Know In HR

CEO Magazine's 2008 Human Resources "Superstar"

Nationally Certified Emotional Intelligence Instructor

2012, 2008, 2007, 2006 and 2003 SHRM National Diversity Conference Presenter

Scott Warrick combines the areas of law and human resources to assist organizations in "Solving Employee Problems BEFORE They Happen." Scott uses his unique background of **LAW** and **HUMAN RESOURCES** to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical and entertaining style.

[Scott Trains Managers and Employees ON-SITE in over 50 topics](#)

LET SCOTT DESIGN A PROGRAM FOR YOU!

Scott's "[Employment Law Videos](#)" on the ADA, FMLA, FLSA and Harassment.

["The Human Resource Professional's Complete Guide To Federal Employment And Labor Law"](#) &

Scott's "[Do It Yourself HR Department](#)"

are favorites for anyone wanting to learn Employment Law and run an HR Department.

Scott's academic background and awards include:

Capital University College of Law (Class Valedictorian (1st out of 233))

Master of Labor & Human Resources and B.A. in Organizational Communication: The Ohio State University

The Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of HR Management and the Ohio State HR Council's David Prize for Creativity in HR Management

For more information on Scott, just go to www.scottwarrick.com