



**Texas Fire Chiefs
Association**

ONLINE

THE VOICE OF LEADERSHIP OF THE TEXAS FIRE SERVICE



“Managing Employees”

Texas Fire Chiefs Academy

Garland, Texas

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Presented by:

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Texas – Employment at Will

- **Exceptions**
- **Contract**
- **Collective Bargaining, Meet & Confer, Civil Service**
- **State Law**
- **Federal Law**



State Laws

- **Texas Whistleblowers Act**
 - **Good Faith Report of**
 - **Violation of Law**
 - **Appropriate Law Enforcement**
 - **Authority**
- **TCHRA-Similar to Federal Law**

Federal Laws

- **Title VII of Civil Rights Act of 1964**
- **ADEA**
- **ADA**
- **Equal Pay ACT**
- **Section 1981 of Civil Rights Act of 1986**
- **IRCA**
- **FMLA, USERRA, FSLA**

Title VII – Protected Classes

- Race
- National Origin
- Sex
- Religion



ADEA

- **20 or more employees**
- **40 plus**
- **Exceptions**
- **Firefighters**
- **Executive or High Policy Maker over 65**
- **Defenses**
- **BFOQ**
- **Reasons other than Age**

Americans with Disabilities Act

- **15 or more employees**
- **Disability Discrimination**
- **Pre-employment Injuries**
- **Qualified Individual**
- **Amendments 2008**



Family Medical Leave Act

- **12 weeks of leave for eligible employees with qualifying medical and family reasons**
- **Restoration to same or equivalent position that employee held before taking leave**
- **Prohibits retaliation**
- **2008 National Defense Authorization Act**

Gender Discrimination

- **Sexual Stereotypes**
- **Pregnancy Discrimination**
- **Sexual Harassment**



EEOC

- **Procedural Requirements**
- **Employee files charge with EEOC within 300 days**
- **Employer responds to the EEOC**
- **EEOC may conduct investigation**
- **EEOC issues a notice of right to sue**
- **Employee has 90 days to file a lawsuit**

Drug Testing

- **Reasonable Suspicion**
- **Random Testing**
- **CDL**
- **Safety Sensitive**

Texas Worker Compensation Act

- **Prohibits discrimination/retaliation**
- **Claim in good faith, hires a lawyer to represent the employee in a claim**
- **Institutes a workers' comp proceeding, or testifies in such proceeding**
- **May involve ADA and FMLA issues**

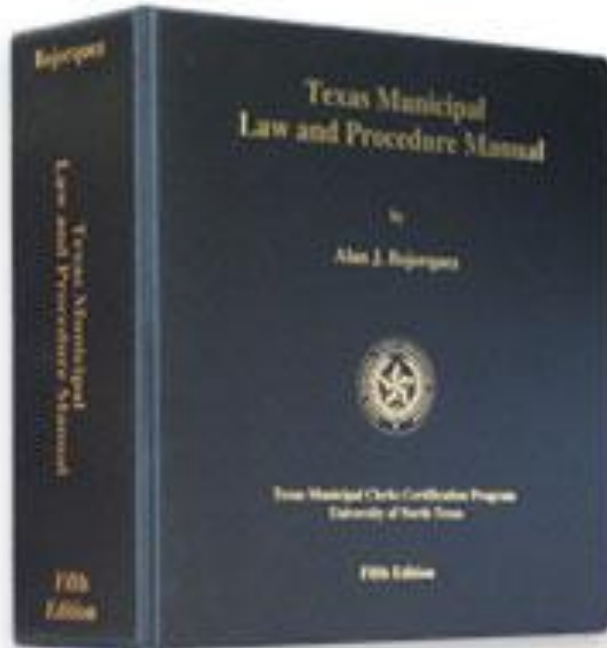
Retaliation

- **State and federal discrimination laws**
- **Adverse employment actions**

Management Actions & Decisions

- **Hiring & Firing**
- **Promotion & Demotion**
- **Change in Duties**
- **Evaluations**
- **Adverse Actions**

Resources



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