

MOST COMMON QUESTIONS ASKED OF EMPLOYMENT LAWYERS



Holding a job in today's economy can be very tough. Some people go into work each day fearing that they will be laid off, fired, or forced to take a salary cut. This can cause a ton of stress on the employee, which can lead to the employee getting sick or even suffering a major illness. Employment lawyers across the country are seeing their business increase because of the unemployment rate in the country, which means that they are representing more unemployed workers who have lost their jobs. Most companies cannot transfer an employee without their consent, unless the employee signed a contract with a clause in it stating that transfers can be made without giving the employee notice. A transfer that has not been authorized by the employee can be considered a constructive dismissal while a unilateral move without notice is typically accepted. Companies are not legally allowed to modify or cancel insurance benefits without giving the employee notice as to what is going to happen. The only way a company can modify benefits without notice is if it is written in the employee handbook or was a clause in the contract you signed upon being hired. If a superior is harassing you while on the job, either emotionally or sexually, be sure to report the problem to the company's human resources department and another superior you trust. Reporting everything that is occurring will help you in any case against the company in the future. Should you be a worker who earns an annual salary, the question of overtime often comes up with employment lawyers. For the most part, the majority of annual salary employees do not receive overtime pay (which is one and a half times your hourly rate) for hours worked over 40 total in one week. Some companies do pay their annual salary workers overtime in specific instances. Some companies send out letters warning employees about their job performance and how it must improve if they wish to continue working with the company. A company can send out any number of letter before terminating an employee. It can be one letter or ten letters, the employee just has to know at least once that their job is in jeopardy if their workplace conduct or production does not change. Employees who are out on maternity or paternity leave are legally permitted to return to the exact same job they worked before they left. If that position no longer exists, the employee should be moved to a comparable position within the company. If laid off, not all companies will provide their employees with a severance package. Some companies will tell you up front that they will be giving you a severance package or paying your benefits for a certain amount of time. If they do not tell you, there is no harm in asking for a severance package or a benefit extension. For the most part, if you are being laid off due to cutbacks, the company will still like you as a person and a worker so they are not firing you.