

UNDERSTANDING EMPLOYMENT LAW

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UNDERSTANDING EMPLOYMENT LAW

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MATTHEW  BENDER

Dedications

JMH: To Lynn, Noah, and Naomi, with love

PMS: To Mindy, Jake, and Izzy, who continue to provide constant inspiration and support for all my work

RAB: With love to Dennis and Emma

Preface

Barely 30 years ago, what today is known as “employment law” was known as “master-servant law.” The change of nomenclature is telling. Historically, “regulation” of the workplace amounted to little more than market forces and employer whims. The modern workplace, however, is governed by a complex and multifaceted legal framework that is continually evolving both as a result of federal and state statutes and as a result of decisions by state courts.

This book strikes a balance between comprehensiveness and selectivity. It provides the substantive material needed to succeed in practice and in the classroom and on final examinations, without overwhelming the reader with details that are unduly esoteric or tangential. The book begins with common-law employment doctrines such as employment at-will, employment contracts, employment torts, workplace privacy issues, and restrictive covenants. It then turns to federal and state statutory regulation of the workplace, covering topics such as compensation (including wage and hour legislation and unemployment insurance), employee benefits (including leave time, pensions, and health insurance), and workplace safety legislation.

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Professor Bales thanks his co-authors, Jeff Hirsch and Paul Secunda, for their inspiration, gentle prodding, fine editing, and never-ending words of encouragement.

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