

Top 10 Employment Law Myths

1. Employees paid on a salary basis are automatically exempt under the Fair Labor Standards Act.
2. Employers cannot terminate employees on FMLA/parental leave.
3. Non-compete agreements are not enforceable.
4. Employers without unions need not worry about the National Labor Relations Act.
5. Determining whether a former employee has breached a customer non-solicitation obligation depends upon “who calls who” first.
6. If a terminated employee fails to return the company laptop, the employer can deduct the value of the laptop from the employee’s final wages.
7. A person receiving STD benefits is on a leave of absence.
8. Employers cannot require FLSA-exempt employees to track their hours.
9. Determining whether a worker is an independent contractor is based on the terms of the contract between the worker and the employer.
10. Employees failing to return to work upon the expiration of FMLA leave can be terminated immediately.