

## #22 *Legal and Liability Issues – 2*

As with any small business, a private club must deal with a number of legal compliance and liability issues. A brief discussion of each follows:

- **Uniformed Services Employment and Reemployment Rights Act (USERRA).** Certain requirements are placed upon employers whose employees are members of the Armed Forces Reserves or National Guard called to active duty or meeting their annual service requirements.
- **Fair Labor Standards Act (FLSA).** The federal Fair Labor Standards Act addresses a number of compliance issues associated with payroll recordkeeping, overtime, exempt versus non-exempt status, and various other compensation-related requirements.
- **Family Medical Leave Act (FMLA).** The Family and Medical Leave Act requires employers to provide eligible employees with up to 12 workweeks of unpaid leave a year for specified family and medical reasons.
- **Hiring and Firing.** Hiring and firing employees must be done in a fair and equitable manner. Hiring decisions should be based on performance for the position, not on personal characteristics.
- **Workers' Compensation.** This is a state-mandated program that provides financial protection for employees in the event of a work-related injury or illness. This program is designed to provide a source of income for employees who are unable to work due to a work-related injury or illness. The cost of workers' compensation is typically paid by the employer, but state administered protection for employees who become unemployed through no fault of their own, can become an expensive program for employers who are lax in documenting employee discharges or who do not consistently challenge claims without merit. The higher an employer's unemployment experience, the higher the tax rate.
- **Hazardous Material Handling & Storage.** Clubs utilize a wide number of hazardous materials such as pesticides, herbicides, and fertilizers; chemicals to test, treat, and balance the water in swimming pools; and various cleaning compounds used in housekeeping, maintenance, and the kitchen. In addition to training employees in the correct handling, cleanup, and storage of these chemicals, each facility is required to maintain up-to-date Material Safety Data Sheets (MSDS) on each hazardous material.

# SAMPLE

**Take Away:** All of the various legal and liability issues of

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