

EMPLOYER ALERT

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SOME EMPLOYMENT LAW MYTHS

- *Covenants not to compete are not worth the paper they are written on.*

The Supreme Court of Ohio has repeatedly declared that covenants not to compete are enforceable as long as they protect the legitimate business and competitive interests of the employer. In fact, the most recent decision from the Supreme Court of Ohio regarding covenants not to compete is viewed by many as “business friendly.”

- *As long as a private employer pays a private employee a salary, the employer does not have to pay the employee time and a half for overtime.*

Unless the employee is a highly compensated employee (being paid approximately \$100,000 or more), the payment of a salary alone does not make the employee exempt from overtime. The salary is but one of several criteria that must be met.

- *A private employer must have “cause” to dismiss an employee.*

Ohio is an “employment at will” state, which means that either the employer or employee may terminate the employment relationship with or without cause and with or without notice. There are certain exemptions where there is a written employment contract requiring cause or a union contract or if the employer is engaging in unlawful employment discrimination or retaliating against an employee for exercising certain rights.

- *It does not do any good for an employer to challenge an unemployment compensation claim.*

Unemployment compensation is not automatic and can be denied for several reasons. The most common reasons are that the employee quit his/her job without just cause or was discharged for just cause.

- *Private employers must pay employees overtime for any day on which they worked more than eight hours or if the employee works on a weekend or holiday.*

As long as the employee does not work in excess of 40 hours during a seven day work week, the employer is not obligated to pay time and a half.

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