

## **ATTORNEY ON CALL**

### **APRIL, 2001 WOMEN'S BUREAU CONFERENCE CALL**

**Host: Beverly Lyle, Women's Bureau Regional Director, Region 6**

**Speakers: Rani Garcia, Law Attorney, Akin, Gump, Strauss,  
Hauer & Feld, Dallas Texas  
Sandra Loro, Staff Attorney, Coles & Thomas**

### **SUMMARY OF TOPIC**

This conference call focuses on specific questions for attorney Rani Garcia a labor and employment law attorney. Ms Garcia represents employers on a number of employee litigation issues. She is the author of "Texas Mother-Friendly Work Site Program" and speaks on mother friendly policies and other employment law topics. The second speaker is Sandra Loro a staff Attorney in the commercial litigation section of Cole & Thomas and is co-author with Rani of "Employer Rules and Policies" and "Employee Records". The following is a sample of some of the questions that were asked during this session.

**Q-1** What are the legal ramifications for a non-profit tax-exempt corporation if they were to set up and on-site child care system? Would they be different if it were a C or S Corporation, sole proprietorship, or Limited Liability Corporation?

**A-1** Legal ramifications will not be different, but there are two general legal areas to consider. First there is the regulatory legal issues and the regulatory issues. The general regulatory issues that would apply would be set if you were going to have employees working at the on-site child care; you will have employment laws that will come into play. Then you have specific licensing regulations that are state by state specific. The second general category of legal ramifications would be your liability issues. Depending on what state you live in there may be limits on the damages if you are set up as a not for profit.

**Q-2** Would it be legal to allow only women with children into a domestic violence advocacy program?

**A-2** The answer is generally, yes it is legal. There are all types of organizations with different missions and specific groups that are served. It would become a legal issue if as an employer you only allowed women to work in the program.

**Q-3** A non-profit corporation is contemplating providing emergency short-term shelter or housing for its abused women and children. What are some of the key issues or concerns that must be addressed immediately?

**A-3** First you must identify property that is suitable for the shelter. Second is to negotiate a contract of sale, before doing this you'll want to conduct a due diligence and to have someone perform an inspection of the property. The due diligence period is perhaps the most important period in terms of legal issues. Review the title, survey the property, and consider whether there is any deed restrictions that restrict or prevent the use or proposed use of as the property as a shelter. You also want to have a qualified person perform an inspection to check for land issues and possible structural problems, ADA accessibility etc.

**Q-4** Does a policy become legally binding the moment it is written by the management or only when approved by the Board of Directors?

**A-4** Pick a telecommuting policy that your company has implemented and it is discretionary if management implements it or not. There is no law that requires you as a company to have a telecommuting policy. Employees may make the argument that, you have written the policy in your employee handbooks, so it is legally binding. As we all know, employee handbooks are not really meant to be contracts and the way most employers safeguard against that argument is to have disclaimer language in the beginning or the end of the handbook.

**Q-5** What can an employer do when it becomes aware that an employee is engaging in activities contrary to the mission of the corporation? For example, the mission statement is to protect domestic abused women and children. The employee is having an affair with a married man.

**A-5** In the question that is presented her I don't actually think and employee having an outside affair with a married man is necessarily in conflict with a mission statement to prevent domestic abuse. I have a concern that regulating an employee's outside activities and that could be called an invasion of privacy. Employers can and should make employees aware of what their mission is in the mission statement, it can be in the handbook, it can be written in other places. Let employees know that they expect they should conduct themselves in the manner that would not be inconsistent with the mission of the company.

### **SPEAKER CONTACT INFORMATION**

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## RESOURCES

- Karen Furia, Women's Bureau Regional Director, Region 10 [furia-karen@dol.gov](mailto:furia-karen@dol.gov)
- The Women's Bureau <http://www.dol.gov/wb/>
- Kelly Tyler, Child Care Resources, Business Liaison [tyler@childcare.org](mailto:tyler@childcare.org)
- Child Care Resources, King County, Washington [www.childcare.org](http://www.childcare.org)
- Washington State Child Care Resource and Referral [www.childcarenet.org](http://www.childcarenet.org)
- The Child Care Bureau <http://nccic.org>
- Alliance of Work Life Professionals <http://www.awlp.org>
- The Fatherhood Project <http://www.fatherhoodproject.org>
- Life Work Strategies <http://www.nationalpartnership.org>
- National Partnership for Women & Families <http://www.nationalpartnership.org>
- Boston College Center for Work & Family <http://www.bc.edu/cwf>
- Labor Project for Working Families  
<http://socrates.berkeley.edu/~iir/workfam/home.html>
- National Network for Child Care <http://www.nncc.org/>
- Woman's-Work <http://www.womans-work.com>
- Human Resources Executive/Cornell <http://www.workindex.com>
- Families and Work Institute <http://www.familiesandwork.org>
- Child Care in Health Care <http://www.childcareinhealthcare.org/>

*The Women's Bureau Region X office and Child Care Resource and Referral of King County has compiled this "Work and Family Virtual Conference Call Summary Sheets" for information sharing and does not endorse any programs or organizations included in it. These summaries include information on programs and policies that employers have tried or ideas and thoughts that work and work/life professionals have shared.*