

27 NCAC 01D .3502 DEFINITION OF SPECIALTY

The specialty of Employment Law, in general, involves the practice of law as it applies to employers and employees (public and private) and their respective rights and obligations in accordance with myriad federal and state laws. The practice, more specifically, involves the counseling and representation of employers, employees, and independent contractors regarding the evolving array of torts, contractual issues, and federal and North Carolina statutes pertaining to employment relationships, including but not limited to: the Family and Medical Leave Act ("FMLA"); Americans with Disabilities Act ("ADA"); Section 504 of the Rehabilitation Act of 1973; Title VII of the Civil Rights Act; the Age Discrimination in Employment Act; Older Worker Benefits Protection Act; National Labor Relations Act ("NLRA")(insofar as it pertains to "protected concerted" activity and related unfair labor practices); Fair Labor Standards Act ("FLSA"); Occupational Safety and Health Act ("OSHA")(insofar as it pertains to obligations arising under the "General Duty Clause"); Worker Adjustment and Retraining Notification Act ("WARN"); Pregnancy Discrimination Act; the Uniformed Services Employment and Reemployment Rights Act ("USERRA"); Section 1981 of the Civil Rights Act of 1866; the North Carolina Wage and Hour Act ("WHA"), North Carolina Retaliatory Employment Discrimination Act ("REDA"); North Carolina Employment Security law; North Carolina Persons With Disabilities Protection Act; North Carolina State Human Resources Act ("HRA")(insofar as the last pertains to coverage of the HRA and deadlines by which relevant claims must be made); North Carolina law regarding restrictive covenants (non-competition, non-solicitation, and non-disclosure); and related regulations and developing common law. The specialty does not encompass matters arising under the North Carolina Workers' Compensation Act (other than proficient familiarity with the circumstances in which the Act may apply) or the practice of employee benefits law (such as but not limited to federal and North Carolina laws regulating group health insurance plans and tax-qualified retirement plans).

History Note: *Authority G.S. 84-23;*
Approved by the Supreme Court March 20, 2024.