

The Indo-American Chamber of Commerce of Greater Houston hosted a seminar on employment law on March 17, 2010, at India House. The seminar featured presentations by attorneys Amit Misra and Nitin Sud and introduced business owners to various issues in the employment relationship which could expose them to legal liability.

Mr. Misra, principal attorney at the Misra Legal Group and Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, presented key points in the areas of discrimination and harassment and unfair competition and trade secrets. For example, he suggested that employers limit liability for harassment claims by administering policies which require the prompt and thorough investigation of complaints and the taking of appropriate remedial measures. Moreover, Mr. Misra explained that employers can use covenants not to compete to prevent a former employee from engaging in unfair competition by misappropriating trade secrets.

Mr. Sud, an associate attorney with Littler Mendelson, acquainted the audience with the basic rules regarding overtime pay and family and medical leave. For example, he explained that unless an employer sets duties that qualify an employee for exempt status as an administrative, executive, or professional employee, the employee should receive overtime pay for working more than 40 hours in a workweek. Additionally, Mr. Sud expounded on the requirements of the Family and Medical Leave Act, including that it covers only employers with fifty or more employees.

Both attorneys emphasized that any aspect of the employment relationship – from basic items such as the hours of work and the rate of pay to more complicated items such as promotion, discipline, and termination – could present circumstances where an employer could face legal liability. Mr. Sud raised the point that even if an employer and employee agree to certain terms as a matter of contract, federal or state law may supersede their agreement. As a result, an employer's intentions or ignorance will not avoid legal liability.

The IACCGH hosted the seminar in association with the Indian-American Lawyers of Houston. The organizations intend to conduct a series of legal seminars in an effort to educate business owners and entrepreneurs in the Indian-American community about the prevailing legal landscape and to highlight attorneys in the Indian-American community with expertise in areas outside of immigration law.