

Book Review: Employment Law: A Guide for Sport, Recreation, and Fitness Industries

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BOOK REVIEWS

EMPLOYMENT LAW: A GUIDE FOR SPORT, RECREATION, AND FITNESS INDUSTRIES

Gil Fried & Lori Miller

[Durham, NC: Carolina Academic Press 1998]

xliii/ 563 pages

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In *Employment Law*, the authors, Gil Fried and Lori Miller, provide a thorough discussion of the common and statutory laws related to employment situations, including Title IX, the Americans with Disabilities Act (ADA), and the Occupational Safety and Health Act (OSHA) regulations. The first text in an announced sport law series by Carolina Academic Press, *Employment Law*, is a timely book that addresses a void in sport law and management related publications. Previous texts have considered employee management concerns, while Fried and Miller's text focuses solely on the topic of employment related issues and fills a unique niche in sport management and legal studies in sport publications. One of the highlights of this text is that the authors go beyond definitions and descriptions of employment law to identify managerial steps that employers can take to address personnel related concerns. Using data from the files of the Equal Employment Opportunity Commission (EEOC), the authors build their case for the importance of employment law knowledge among managers and employers.

Authors Gil Fried and Lori Miller are uniquely qualified to provide strategies and solutions for employment management in the sport and fitness industries. Fried (J.D.) has a lengthy publication record, has served as adjunct faculty for law schools in Texas and Connecticut, and has coordinated sport and fitness administration university degree programs. Miller (Ed.D., M.B.A.) has also written extensively in the areas of sport business, management and law, and served as a faculty member and coordinator of university sport management degree programs. Their practical experiences gained from working in the sport management field, coupled with their knowledge of employment law issues, enabled the authors to clearly outline an employment-focused managerial process for sport and fitness employers.

Fried and Miller have written an ambitious and comprehensive employment law text, and the additional components (Introduction and

Appendices) add significantly to the value of reading and owning this guidebook. The authors anticipated diversity among readers of this book with regard to familiarity with the law and knowledge of the sport, recreation, and fitness industries. The first section of the Introduction provides an orientation to sport as a business, while the second section of the Introduction focuses on the legal system, and includes an easy to read orientation to the court system and legal nomenclature for readers who are less familiar with legal issues. While the presentation of (1) sport as business and (2) the legal system is limited, the authors successfully provide enough information in nineteen pages to prepare readers for the following chapters. The inclusion of this information expands the potential use and audience of the text while allowing individuals familiar with this introductory information to skip to the following chapters. Similarly, the Appendices provide a wealth of information covering over 25 individual resources on 125 pages, including sample contracts, employment and termination letters, an employee manual, and samples of many of the forms the authors mention. These resources alone will be invaluable to employers seeking to improve their employment and personnel practices.

Between the Introduction and the Appendices are fifteen chapters and over 400 pages, progressing through the anatomy of employing, supervising, disciplining, terminating or retiring an employee. In chapter one, Fried and Miller provide a thorough presentation on the master-servant relationship, including historical development of these relationships and drawing important distinctions between employees, interns, volunteers, independent contractors, and family members. In chapters two through thirteen, the authors take the reader from the planning stages of hiring through termination and retirement, as they begin to outline the steps of establishing an effective and legal hiring, supervision and termination process for managers. Chapter two addresses pre-hiring related issues such as personnel needs assessment, the formation of job descriptions, and the basics of employee recruitment. Chapter three moves the reader to the point of legally gathering information on a prospective employee. Readers are provided with a comprehensive and informative presentation of the legal rights of employers and employees throughout the employment process, with specific attention to the following: developing a complete application form; developing an interview process that does not violate the rights of the interviewee; how to contact and interact with references; when to consider criminal background checks; appropriate and warranted job tests to conduct; legal use of drug tests and medical screening; and how to maintain confidentiality and

properly document the information gathered throughout the hiring process.

Discriminatory hiring practices are the topic of chapter four. Readers are provided with a clear and concise presentation of employment related legislation, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Title IX, and the ADA. A highlight of this chapter is a discussion of appropriate pre-hiring-offer and post-hiring-offer questions. Fried and Miller address the topic of negligence in chapter five, namely negligent hiring, training, supervision, retention, and referral. Although sexual harassment is introduced in this discussion, the seventh chapter is exclusively focused on this area of employment law. The managerial approach of this text, as set forth by the authors, continues through the employment process. While the previous chapters have provided guidance for the job development, applicant review and selection, interview and hiring processes, the focus of chapter six is on the next step of employment; establishing the terms and conditions of hire. The authors provide a thorough presentation of the importance, purpose, content and use of employee manuals. A discussion of state and federal statutes regarding required workplace posting, arbitration agreements, non-compete clauses, and employment contracts, completes this chapter.

The remaining chapters deal with promotion, discipline, termination and retirement related aspects of employment law. Additionally, Fried and Miller dedicate a chapter to job related injuries. The authors' discussion of OSHA and the role of the OSHA inspector program, provides readers with important steps they can take to reduce work-related injuries. The use of safety manuals and audits is also presented as managerial tools that can be used to help identify and manage work-place risk. Employers working with unionized employees will find chapter fourteen particularly helpful. The authors describe the last and fifteenth chapter of the text as a "potpourri" of issues germane to employment law, but not related to the distinct legal issues previously addressed. Although this text is already lengthy, some readers might be disappointed in the brief attention given to the concerns of drug use and violence in the workplace.

Employment Law is a straightforward and informative text that provides a thorough analysis of the employment process. The target audience for this text is managers in the sport, recreation and fitness industries; however, it is applicable to anyone involved in legal studies or employee-related issues; i.e., businesses, companies, organizations. Employers and managers in all occupational settings will benefit from read-

ing and applying the strategies identified in this guidebook. The authors have thoroughly outlined a framework for “developing and implementing a comprehensive employment/labor management program.” The benefits of following the hiring suggestions in *Employment Law* are clearly stated by the authors. “Hiring an employee requires significant dedication, devotion and money. From finalizing the contractual terms, entering into a contractual relationship and assimilating an employee into the workplace, [the employer] will face numerous potential concerns that if appreciated from the beginning can help prevent most litigation disputes.”

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