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by Report Report

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Question 1

State sovereignty refers to the concept that considers all states as equals and, at the same time giving each state complete control over its people and property within the state borders, including coming up with its customized legislation. To this effect, states are allowed to make legislations that they deem to be most 'favourable' to them, similar to what Harrison county did, coming up with policies compelling its employees to schedule for time off per Section 201 of the FLSA. However, ¹the District Court ruling in favour of the petitioners who claimed that the County's policy was unconstitutional acted as an infringement of the sovereignty of the state to make its legislation (Christensen v. Harris County, 2000).

In what would later become a common and universally used axiom, Chief Justice John Marshall, while giving the ruling in the McCulloch v. Maryland case, made the famous declaration that “the power to tax is the power to destroy” This axiom has been interpreted to refer to this amendment in several ways. First is that the power to create indicates the power to preserve. When the Harrison County came up with the policy compelling ²its employees to schedule time off, it did so in the spirit of safeguarding its constitutional rights as a sovereign county. Secondly, the axiom can be directly translated to mean that whenever there are confusion and inconsistency, the supreme authority must not conform and become insubordinate to that which it is supreme over (Carson, 2016). In this case, sovereignty means the state is exercising its powers over its people. For this reason, any state must not be subordinate to its people. Harrison County, therefore, must not yield to its subordinates.

Question 2

The FLSA amendment does not prohibit public employers in matters relating to employee time off. However, it remains vague on the conditions under which these public employers may force their employees to take compensatory time off for several reasons. First, the public employers may compel their employees to take time off based on the activities that each employee is involved in and how their absence from work may affect the effectiveness of service delivery on the employer's side. Section 205 provides that an employee may ⁴ be allowed it take compensatory time off as long as ³ the employer's operations remain undisturbed (Christensen v. Harris County, 2000). Additionally, public employers may be under financial strains forcing them to consider sending their employees on compensatory time off to reduce wages as a last resort for dealing with the likely financial pressures.

Question 3

When employees are given compulsory time off, a lot of things goes through their minds. However, during this period, these employees need to take into consideration certain factors. The last element of concern is whether or not the time off given is per the Labour laws. Many are times when employers fail to take into consideration legal aspects when sending off employees. This is one of the factors that employees need to mind. The other reason for minding being given compulsory time off is the absence of compensation accompanying the lay-off (Blanton & Peksen, 2019). If public employees are sent on compulsory time off without any benefits attached to the time off, then they need to be very concerned.

Question 4

Based on one of the interpretations of the famous axiom, “the power to tax is the power to destroy” that in case of confusion the supreme authority must take control, laying off some of the defiant employees could be considered as one of the viable options (Carson, 2016). Therefore, Harris County being supreme to the employees has all the authority to lay off the employees who refuse to abide by the policies that it put in place concerning compulsory time off. In doing so, Harrison County would ultimately be able to save itself from paying huge wages in terms of accumulated compensatory time.

Question 5

The fundamental function of any labour union is to champion for the rights of employees who ascribe to it and ensure that they are not exploited by their employer. Therefore, from the ruling, it was established ¹that the FLSA does not prohibit an employer from compelling the employee to use their compensatory time. Based on this ruling, the labour union may push for the inclusion of a clause in the collective agreement with the employer that ensures that employee rights are not violated in the process of issuance of the compulsory time off (Blanton & Peksen, 2019). Additionally, the labour union may seek the inclusion of a clause in the collective agreement that highlights the circumstances under which the employer may compel its employees to take compulsory time off. If that does not happen, there should be a framework highlighting how compensations are expected to be done for the extra hours worked.

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