Legal Scenarios

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# Discussion Question Part 1

It has to be noted that looking at this case, Mandle tends to fulfil all the criterion that are related with this job and she does have the experience and the technical capability to make sure that she is going to be able to take up the role. Furthermore, the other applicant that has been hired does not possess the same experience and she is not having the same credentials as Mandle. Now, important thing that has to be noted in the given scenario is that how the discrimination seems to have been carried out against Mandle due to the basis of her being a transgender. The legal case that is going to be quite clear, The Federal laws would mean that exists in terms of the discrimination at the workplace are such that it should provide her with an insight in terms of how she would be able to gain monetary gains out of the whole situation. On the other hand, looking specifically at the state laws of Alabama, it becomes clear that how with many years of experience as a waitress would go a long way towards making sure that her experience is enhanced, and she is offered a suitable alternate or provided the same job.

# Discussion Question Part II

## Employment Discrimination

When the workplace policy has to be charted, it has to be quite clear that the non-discrimination is going to be carried out against anyone. What it means that the organization has to make sure that when they are devising a policy, none of it must be going against a particular demographic, and that includes representation of the alternative sexual communities such as LGBTQ. The gender neutrality has to be also incorporated and taken into account when policy is devised.

## Employee Usage of the Social Media

Social media is a tricky rope in a sense that the nature of the department and extent to which the usage of social media is being used varies from one department to the another. What must be done is that the whole policy must be varied in other departments and effects has to be made to make sure that how the management of the internet security protocols has to be there. What must be done is that certain websites have to be blocked and only certain department such as marketing and PR must be allowed to use them in the organization.

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## Scenario 1

The type of organizational structures that are going to work out well for them are going to be sole proprietorship if both of them want to manage their things in a separate manner. They can also go towards the partnership, or they can opt for the most complex options which is an LLC. All these three choices have their own benefits and drawbacks. If they go as a sole proprietor, what it would mean is that they would be having complete creative control over the business. Not only that, it would also make sure that they would have less capital at their disposal if they want to expand their business and even if they want to setup at a much better level. The same set of issues are faced when the partnership is going to be setup. Both would also have drawback in terms of the limited liability. On the other hand, having an LLC as a form of the business structure would mean that they have much more secure business setup, with greater creative control in terms of how they want to do their things. The name for the Coffee Shop can be Imperial Taste.

## Scenario 2

Mendoza has few possible grounds against which she is in the position to make sure that she can file for a discrimination lawsuit against the Imperial Taste. The first thing is that how she has been discriminated based on her ethnicity and how she speaks. Her language is another ground on which she has faced discrimination. Keeping in mind she has extensive experience at her disposal, it would be fair to assume that she would be a good candidate for the job. Now, the state of the Federal Laws are quite simple in a term that how any sort of the discrimination against another person, based on their ethnicity and other considerations has to be kept in mind when a decision has to be made in terms of the broader organizational interest at the given point of time. The State laws are also quite evident that no discrimination is supposed to be carried out against the employee based on their ethnicity and other constraint. So, she has considerable options. There would not have been much change in situation if the employees were on the lower side as it does not change the grounds for discrimination.

## Scenario 5

One of the major things that is stated under the state laws of Alabama when it comes to the business practices is that the business terms are needed to be implicitly mentioned whenever there is any business dealing supposed to be carried out. What it means is that the effort has to be made to make sure that the prices and other particulars about the product are needed to be mentioned in a clear manner so that there has to be some sense of clarity in terms of how the transaction is needed to be rolled out. This is what that is not being done here and instead there is not mention about the prices of the drinks. Now, as another customer has discussed the same issue that the prices of the products are not mentioned implicitly, what it means is that under the consumer protection laws, as well as the acceptable business practice, they are supposed to share the price of their goods at any given point of time. Due consideration must also be needed to be given to the fact that how it constitutes the fraud as well as unfair business practice.

## Scenario 7

This scenario has to be looked at in the pretext of the contract law. Now, the important implication in terms of how the whole process works out is that as the particulars of the product as well as the conditions in which the tables were supposed to be received are pre-determined. Imperial Taste is well within their rights to claim for the damages. They are also liable to hold the payments until all the remaining charges are being paid beforehand. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper. Thus the transaction laws are also pretty clear about the way it is supposed to work.

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