

# The View from Level VII™

## HUMAN RESOURCES

### *Employment At Will*

**Question:** What does it mean when an organization says that employment is considered "at-will?" Can the employer terminate an employee for any reason because the employment is considered at will?

**Answer:** Employment at will is the traditional relationship between an employer and an employee, in which the employee is hired for an indefinite period. Absent a limiting statute or contractual agreement between the parties, in a true at-will relationship, either party may terminate the relationship at any time, with or without cause or notice. Thus, traditional employment at-will may be terminated for any reason or for no reason at all.

With the enactment of many federal and state employment laws in the second half of the 20th century, however many exceptions to the traditional employment at-will relationship now exist and few employers truly have an unrestricted right to terminate employees. In 1935 Congress enacted the National Labor Relations Act (NLRA), which was designed to protect employees' rights to bargain collectively with employers, through employee representatives, without fear of retaliation. Collective Bargaining Agreements invariably contain clauses that preclude employers from terminating union employees absent "just cause." In addition to labor laws, federal and state discrimination laws also restrict employers' rights to terminate at-will. These laws prohibit employers from terminating employees based on race, color, religion, sex, national origin, age, disability and other protected characteristics. In some states, courts have also recognized exceptions to the at-will rule based on grounds such as: implied contracts, covenants of good faith and fair dealing, public policy and traditional tort theories.

Thus, the employment-at-will doctrine does not grant employers absolute, unfettered discretion to terminate employment. If you have a question regarding terminating an employee feel free to contact our offices to discuss the issue.

**Jim Chwojdak**  
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## FAMILY OFFICE

### *The Platinum Quarterback - Part II*

**Platinum Quarterback Services, LLC (PQS)** is an elite, personal family office service available to a select few individuals and families of wealth. Ray Harman and Bill Kuffner offer to "lift the burden" from clients giving them the opportunity to redirect their time and energy to other priorities including family, leisure, travel, philanthropic activities or any other special interests to which they would like to devote more time. In this issue, we would like to draw out a couple points of clarification about PQS:

First, PQS does not replace any member of the client's trusted advisory team. Our role is that of a facilitator, working closely with other professional advisors, collaboratively or individually, to address client issues on a timely basis. The client benefits, and other members of the advisor team benefit, as PQS is able to stand when the client does not wish or is unable to allocate their time to such matters. Everyone is a winner with a good quarterback!

Second, to be certain we maintain independence and objectivity, keeping the client's best interests foremost in our mind at all times, PQS: 1) is not aligned with any third party institution, firm or organization; or 2) does not promote any product or receive any compensation from product transactions.

Lastly, PQS does not make decisions for the client or other advisors. The client is always the ultimate decision maker, with PQS performing only those functions requested by the client. The client is never obligated to use our services as a total package. He or she can select specific services we offer in any area such as investments, taxes and estate planning, banking, insurance and more.

Stay tuned for insightful information for families of wealth in future issues of *The View!*

**Ray Harman, Senior Partner**  
**Bill Kuffner, Partner**  
**Platinum Quarterback Services, LLC**  
*"At Platinum Quarterback Services, we make it a lot easier for you"*

*In this and/or future issues you will find short, yet meaningful articles on:*

- Human Resources
- Risk Management
- Executive Compensation
- Executive Benefits
- Employee Benefits
- Private Wealth Planning



# The View from Level VII™

## EMPLOYEE BENEFITS

### *“Lifestage” Dental Benefits*

For most employers, the cost of employee benefits is a growing concern. A “Voluntary” Group Dental Plan may be a good way to let employees buy back some of the coverage that they were accustomed to, or as a new enhancement for groups that never had Dental coverage.

We should take a moment to explain what we mean by “Voluntary” Group Dental Insurance. Our clients have had success offering a Group Dental Plan that is completely paid for by employees, but requires 50% participation. If the participation level is 50% or better, you can take advantage of lower “True Group” rates, and you also avoid some of the benefit restrictions that are common in many Voluntary Plans. There are several quality carriers that offer this type of Dental Plan, and we would recommend that you “shop around” before selecting a company. Your industry type, location, and employee demographics will produce different rates from each carrier. Network selection is another important part of a Voluntary Dental Plan. With most plans, members will receive a better benefit value when they receive care from a participating provider. Some plans have special cost saving considerations that make out-of-network care very expensive. It is important to understand how a plan will function out-of-network, as well as how to identify in-network providers.

If your current Dental Plan is worrying you, or you would like to offer a Group Dental Plan for the first time, please contact us. We would be happy to show you available options, and give you an objective recommendation.

**Benefits Advantage, Inc.** provides consulting and insurance brokerage services for all types of employee benefits programs. Emphasizing *personal service, creative ideas, and positive results*; Benefits Advantage Inc. has 30 years of industry experience in working with clients.

**Arthur Georger CLU, CEBS**  
**Benefits Advantage, Inc.**  
[www.BenefitsAdvantageInc.com](http://www.BenefitsAdvantageInc.com)

## CORPORATE CONCERNS

### *Pre-Paid Legal Services*

**As an employer, have you ever:**

- Had an employee take time off work for personal legal or identity theft related issues?
- Lost productivity because of an employee's loss of focus on the job?
- Had to deal with complicated administrative forms and deductibles with your employee benefits?

If you answered **yes** to any of these questions, a prepaid legal plan may be for you. Prepaid legal services apply to business entities of all sizes and types. Your employees have direct toll free access to a carefully selected provider law firm for legal issues such as: preventive legal services, motor vehicle legal expense services, trial defense services, IRS audit legal services, contingency fee services. If their identity is stolen, we not only provide counsel, we'll work to restore their identity for them. Prepaid legal services is another important benefit in providing your employees peace of mind, which leaves them free to focus on their job, not their problems.

The Level VII Companies work with one of the region's preeminent prepaid legal experts, please contact us should you desire more information on this unique and important benefit.

**Weir Financial Resources, LLC** is a financial advisory firm offering information, ideas and solutions in Executive Benefits, Business Succession and Private Wealth Planning.

**Jonathan Weir, JD**  
**Weir Financial Resources, LLC**  
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**Community Note:** *World Trade Center Buffalo-Niagara Diner...* Join us as we celebrate international business and global trade! World Trade Week 2004 will present a series of forward thinking ideas, programs, and events to expand our vision for international trade. **May 19, 2004 @ The Adam's Mark Buffalo. Events: Interactive Leadership Seminars 1PM - 5PM; Traders' Exhibition 1PM - 9PM; Cocktail/Networking Reception 5:00PM - 6:30PM; The Signature World Trade Week Dinner featuring Garry O. Ridge, President & CEO of WD-40 Company 6:30PM - 8PM; Networking After party 8PM - 9PM**

**Visit our website:**  
[www.LevelVIICompanies.com](http://www.LevelVIICompanies.com)

