

Business weekly

STORYLINE

bonfire!

"Bar Yochai, nimshachta ashrecha..." Voices rang out as people danced around the roaring bonfire. The youngsters of the neighborhood, along with many adults, had gathered to celebrate Lag Ba'Omer.

After two hours of singing, dancing, and a Dvar Torah by the Rabbi, the group began to head home. The attending firefighter doused the flames with water.

"What? Already?! It's not fair that we have to stop," complained sixteen-year-old Boruch to his friends. "Just because the adults want to go doesn't mean we want to!"

"Yeah," answered Eli, "Let's go make our own fire. We can stay up late, roast marshmallows, tell stories and share Divrei Torah!"

"But where can we make the fire?" asked one of the boys.

"There's an unused lot nearby," said Boruch. "There are just some weeds and a small broken-down shed there. What do you say?"

The boys looked at each other. Finally, someone declared, "Let's do it!" They gathered the branches left over from the community fire and dragged them to the unused lot.

When they finished piling the branches in the middle of the lot, Boruch lit the fire. "What about the weeds and that tree over there?" asked one of the boys. "Isn't there a danger that the fire might spread?"

"Oh, don't worry," said Boruch. "They're too far away. See, even when the wind blows, the fire doesn't go near them."

Eli brought marshmallows, which they roasted on thin braches. Boruch strummed his guitar and they sat around singing into the night.

The wind picked up. The boys huddled around the fire, enjoying its warmth. "Let's get some more wood to make the fire bigger," said Eli.

"Stay here and keep an eye on the fire," Boruch said to his twelve-year-old brother, Simcha. "If anything happens, there are buckets of water over here." He walked away with the other boys to find more wood.

Without warning, an unusually strong gust of wind blew, fanning the fire and whipping the flame far across the ground. Some of the weeds caught fire, which started to spread towards the wooden shed! Simcha rushed to pour water on the fire, but it had already spread too much.

The fire began to engulf the shed and reach toward the tree. "Fire! Fire!" Simcha shouted.

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FROM OUR HOTLINE when the sitter quits

Submitted by
T. Miller

My husband learns full-time and I work full-time. Our two-year-old daughter has been attending a playgroup run by a local woman this year. This week, the babysitter informed us that she will no longer be running the group as of next month. We've searched for an alternative program for our daughter to join, but all the groups follow the school calendar and do not accept new children mid-year. It

would seem that our only alternative would be to hire a private babysitter, but that would be prohibitively expensive.

Q: Given these circumstances, is there any way that we can demand that the original playgroup allow our daughter to continue there until the end of the school year?

A: Generally, an employee has the right to quit whenever s/he chooses (Choshen Mishpat 333:3). This is based on the pasuk that states (Vayikra 25:55), "Bnai Yisroel are servants to me," and Chazal infer from this that we are servants to Hashem and not servants to servants. This allowance, however, has limitations. Shulchan Aruch (Choshen Mishpat 333:5) writes that an employee's right to

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STORYLINE CONTINUED

A neighbor poked his head through his window and quickly called the fire department, who extinguished the fire before it caused more significant damage.

Meanwhile, the owner of the property showed up and screamed at the boys: "Who gave you permission to light a fire here? That was so irresponsible!"

Although the broken shed was not worth much, the owner decided to take the boys to a Din Torah to teach them a lesson. He brought them before Rabbi Tzedek.

"These boys lit a fire that spread and burned down my shed," the owner claimed.

"We know it was wrong," said Boruch. "However, we made sure to distance the fire from the shed, and we also asked Simcha to stand guard with buckets of water."

"So what?" argued the owner. "Don't you know that wind blows fire around?"

"Yes, but when we lit the fire, the wind wasn't strong," responded Boruch. "The sudden gust of wind was

unexpected."

"What's the difference," said the owner. "You never know how the wind will blow..."

Rabbi Tzedek turned to Baruch and ruled: "Had you lit the fire on your own property, you would have been exempt if you distanced it sufficiently for normal wind conditions. However, since you lit on another's property you are liable."

He explained: "A person is responsible for a fire that he lit and was spread by the wind, unless he was careful to distance it sufficiently from something that could burn. If he did so, but it was spread by an unusually strong wind, he is exempt. (C.M. 418:2)

However, this is only if the person lit the fire on his own property, in a permissible manner. If he lit the fire without permission on his neighbor's property or on public property, he is liable even if it was spread by an unusually strong wind. Leaving a minor to guard the fire is insufficient and does not transfer responsibility away from the one who lit it (418:7)."

FROM OUR HOTLINE CONTINUED

quit is limited to where his employer will not suffer a financial loss as a result of the employee quitting. If, however, the employer would suffer a loss as a result of the employee quitting, the employee is not allowed to quit. Furthermore, if it is a circumstance in which the employee is not permitted to quit, the employer has two options in dealing with the situation. He can hire another employee and the additional amount that is paid to the second employee is deducted from the first employee's wages, or he can promise the first employee that he will be paid extra to complete the job – but when he finishes, he may give him the original agreed-upon amount.

One of the cases mentioned by the Rema that constitutes a loss is a housekeeper or slave who wants to quit. The reason this is considered a loss is that the employer cannot do his job if someone is not taking care of his household needs. Similarly, if you are working and your husband is learning, one of you will have to quit in order to stay with your daughter since other programs are not accepting new students. As such, you may demand that your daughter be allowed to continue in the program through the remainder of the school year. In the event that the babysitter doesn't comply, you have the right to exercise one of the two options mentioned in Shulchan Aruch.

Please email us with your questions and comments at ask@businesshalacha.com

HALACHA CORNER

proper pricing week #7

Q: You set a price with your supplier based on the expected price from your customer. If your customer lowers his price, may you renege on the confirmed price with your supplier or cancel the order and buy the merchandise from him again at a lower price?

A: If the order from the supplier was completed with a kinyan, you cannot renege on the price or cancel the order, unless there was a clear statement that the agreed price was based on the expected price from the customer (C.M. 207:3 and Pischei Teshuva #5). A properly signed order form might be considered a kinyan if the common commercial practice is to consider such an order as final

(201:1).

If there was no kinyan, the Rama (204:11) cites two opinions whether there is a moral obligation to uphold a commitment when there was a change in market circumstances meanwhile. The Rama holds that there is, but a number of Achronim question this ruling (Shach 204:8). In any case, reneging on the price and cancelling the order and re-buying would seem to have the same rule.

WEEKLY STUDY GROUP

VERBAL AGREEMENTS

no charge to attend

Khal Bais Eluzer
1516 East 24th Street
This Sunday, May 2
9:00 - 9:45 am

This month's learning and shiurim have been sponsored by R' Moshe Solny in memory of Chana bas R' Mordechai

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