

December 2003
Rev. 6/06, 7/08

Woska Associates
Employment Law Group

Employment Law Forum

Employment Law Issues – Website Assistance

The internet has provided employers with a wealth of information concerning employment law issues that arise on a regular basis. Websites for the United States Government and the several states provide information on statutory and state law, court decisions, rules, regulations, administrative procedures, letter rulings, agency enforcement guidelines, and other information.

This article provides an overview of information available on websites that impact employers concerning employment law matters on a continuing basis. Human resources, labor relations, and employment law practitioners may find the information valuable with respect to addressing workplace issues.

U.S. Equal Employment Opportunity Commission – <http://www.eeoc.gov>

The Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Right Act of 1964 (Title VII), the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), Sections 501 and 505 of the Rehabilitation Act of 1973, and the Civil Rights Act of 1991. EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

The EEOC website is extensive. It provides the statutory laws covered, policy guidance on executive orders, technical assistance manuals, questions and answers regarding areas of coverage, in addition to links to other government sites concerning employment matters.

The EEOC provides its Field Offices with enforcement and policy manuals addressing the several federal statutes enforced by the agency. The manuals provide definitions of terms covered, liability issues, interpretations of standards and court decisions, and numerous examples of workplace situations and application of the law to the situation. The manuals provide for consistency in enforcement of the laws covered.

The enforcement and policy manuals are available for downloading from the EEOC website. Examples of subjects covered include:

- Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities
- Enforcement Guidance: Workers' Compensation and the ADA
- Policy Statement on Mandatory Binding Arbitration of Employment Discrimination Disputes as a Condition of Employment
- Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations
- Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA
- Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors

U.S. Department of Labor – <http://www.dol.gov>

The mission of the Department of Labor (DOL) is to foster and promote the welfare of the job seekers, wage earners, and retirees by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining, and tracking changes in employment, prices, and other national economic measurements. In carrying out this mission, DOL administers a variety of Federal labor laws including those that guarantee workers' rights to safe and healthful working conditions, a minimum hourly wage and overtime pay, freedom from employment discrimination, and unemployment insurance.

The DOL website is extensive. Coverage includes statutory laws administered (Fair Labor Standards Act [FLSA], Family/Medical Leave Act [FMLA]), and other legislation, compliance manuals, questions and answers concerning the laws covered, farm labor information, links to the many agencies under the DOL including responsibility for laws and regulations covered, the Federal Register, statistical data, publications, and related information. A partial listing of DOL agencies and examples of their responsibilities include:

- Bureau of Labor Statistics (BLS) - employment and unemployment; Consumer Price Index; statistical information on employment and earnings; collective bargaining; safety and health; publications and research.
- Employment Standards Administration (ESA) – state labor laws, workers' compensation, FLSA, FMLA, Federal contract compliance.
- Occupational Safety and Health Administration (OSHA) – state programs, compliance assistance, questions and answers, training resources.

- Veterans Employment and Training (VET) – promoting employment and training opportunities for veterans.

California Department of Fair Employment and Housing – <http://www.dfeh.ca.gov>

The mission of the Department of Fair Employment and Housing (DFEH) is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence. DFEH is the largest state civil rights agency in the United States. The agency has jurisdiction over both private and public entities, private sector contracts granted by the State of California, and all State departments and local governments. DFEH receives and investigates discrimination complaints throughout California.

DFEH enforces the following laws:

- Fair Employment and Housing Act (FEHA)
- California Family Rights Act (CFRA)
- Unruh Civil Rights Act
- Ralph Civil Rights Act

The DFEH website has statutes, laws administered by DFEH, in addition to FEHC Decisions. Information on how to file a discrimination complaint in addition to procedural questions and answers is provided.

DFEH routinely provides technical assistance to employers, business establishments and housing providers regarding their responsibilities under the law.

California Department of Industrial Relations – <http://www.dir.ca.gov>

The Department of Industrial Relations (DIR) was established to improve working conditions for California's wage earners, and to advance opportunities for employment. DIR is responsible for the following divisions:

- Workers' Compensation
- Occupational Safety and Health
- Labor Standards Enforcement
- Apprenticeship Standards
- Labor Standards and Research

DIR is also responsible for the Mediation and Conciliation Service. The website provides information on each of the divisions.

The DIR website addresses current and proposed regulations, the

Labor Code, wages, hours of work, and conditions of employment. Statistical and research information is available concerning prevailing wage determinations, occupational injuries and illnesses, and the Consumer Price Index. Assistance is also available concerning laws administered.

Find Law – Cases and Codes – <http://www.findlaw.com/casecode>

This website provides information on state and federal laws, and case law. The following information is available:

U.S. Federal Laws

- U.S. Constitution
- U.S. Codes
- Code of Federal Regulations
- Federal Register

Case Law

- U.S. Supreme Court
- U.S. Courts of Appeal

Links to U.S. Trial Court Websites

- U.S. District Courts
- U.S. Bankruptcy Courts
- U.S. Court of International Claims
- U.S. Tax Court
- U.S. Court of Federal Claims

Federal Courts and Other Entities Outside of the Judicial Branch

- Armed Services Board of Contract Appeals
- U.S. Court of Appeal for the Armed Forces
- Court of Veterans Appeals
- Federal Administrative Agencies and Boards

U.S. State Laws

- Cases
- Codes
- Statutes and Regulations

Employment Law Guide – http://www.pueblo.gsa.gov/cic_text/smbuss/em-law-guide/emlaw_guide

The Employment Law Guide describes the statutes and regulations administered by the Department of Labor that affect businesses and workers. The *Guide* is described mainly for those needing “hands-on” information to develop wage, benefit, safety and health, and nondiscrimination policies for businesses in general industry.

Considerable information is provided on this website including the following topics:

- Wages and Hours of Work
- Safety and Health Standards
- Health Benefits and Retirement Standards
- Family and Medical Leave
- Whistleblower Protection
- Lie Detector Tests
- Work Authorization for Non-U.S. Citizens

Other Websites

There are many other websites available for employers to obtain assistance concerning employment law issues. Some websites require membership through professional organizations. Others are fee based. The following are several that provide considerable information and are available to the public.

- Occupational Safety and Health –
 - Federal – <http://www.osha.gov/>
 - California – <http://www.osha.gov/>
- California Public Employee Relations Board – www.perb.ca.gov/
- Bureau of Labor Statistics – <http://stats.bls.gov/>
- California Workers Compensation Appeals Board – <http://www.dir.ca.gov/WCAB/wcab>
- Employment Law Information Network – <http://www.elinfonet.com>
The website includes articles, policies, state and federal laws, and case law.
- Employment Law Net – <http://www.employmentlawnet.com>

A comprehensive resource for corporate counsel and human resource managers.

- Human Resources Directory –
<http://humanresources.about.com/library/blemploymentinfo.htm>
An “A” to “Z” directory of employment laws, information, and guidelines.

