U.S. Legal Forms, Inc.

Multi-state
Employment Law Handbook

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A general guide to the rights, protections and benefits provided employees by the United States Government.

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Multi-state Employment Law Handbook

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INTRODUCTION

This is a general Handbook, containing summaries of the rights, protections and benefits offered to employees under federal employment laws in the United States. Keep in mind that the laws, programs and services outlined in this Handbook are being constantly revised and changed so this Handbook is only intended as a general overview. As a result, you should not rely on this Handbook to make legal decisions concerning your specific situation. Instead, you should only rely on this Handbook to alert you to the fact that someone may have violated one of your legal rights, that you may obtain assistance in protecting yourself from further violations and that you may be able to gain informational or financial assistance. The sections of this Handbook may be used as a starting place from which to discuss your situation with a state agency or local attorney.

Of note is that federal departments and agencies administer and enforce the majority of the federal employment laws. The Appendix of this Handbook contains contact information or web site links for the principal departments and agencies.

THIS HANDBOOK IS NOT A LEGAL DOCUMENT, and is not intended as a substitute for seeking legal advice from an attorney or other qualified professional.

OVERVIEW

The term employment law refers to a collection of different laws, regulations, agreements and practices that govern the employee-employer relationship, employee rights, employee benefits and insurance, workplace safety/injuries, and unions. At the national level, employment law is composed of several different federal laws and civil service rules. State employment laws, collective bargaining agreements, contracts, company personnel handbooks, and private employer practices supplement federal employment law. Since state laws vary from state to state, this Handbook focuses on federal employment laws and identifies the agencies/departments that administer and enforce these laws. An Appendix at the end of the Handbook contains some contact information for the principal departments, agencies and/or program offices that administer and enforce federal employment law.

Of note is that most of the federal employment laws do not apply to employees or employers of small businesses that employ less than 15 employees. The Small Business Act (SBA) however does apply to business that are this small. The Department of Labor's Office of Small Business Programs can provide more information about employee rights and employer obligations. Contact information for Regional and Local Office's of the Small Business Administration can be found in the blue pages of your local telephone directory. If you are the owner of a small business who believes you have been treated unfairly by government agencies or subjected to unnecessarily burdensome regulation you can file a comment/complaint with your state's Small Business Administration Ombudsman Office which will investigate your comment/complaint and, if appropriate, take remedial action. Employees of small business can refer to state employment, labor and constitutional laws for protection against any unfair labor practices engaged in by their employer.

IMPORTANT DISTINCTIONS

The distinction between employee, part-time employee, temporary employee, and independent contractor are very important as the protections and rights of federal employment laws apply only to employees and to part-time employees in certain instances.

Employee. A person is considered a employee when the employer controls, directs and supervises the individual in the performance of his or her work, supplies the tools/materials needed to perform the work and provides a place such as an office or desk where the person performs his/her work. Another indication that a person is an employee is that the person receives a regular wage or salary and is paid by a payroll check.

Part-Time Employee. As a general rule a person who meets the indicia of an employee but does not work a full work week (usually less than thirty hours per week) is a part-time employee. Part-time employees are not covered by all of the federal employment laws as some require that the employee work a minimum number of hours per week.

Temporary Employee. When a person who registers with an employment agency which then finds temporary employment for that person with a third party, that person becomes the employee of the temporary agency and not the third party employer. As such, that person can exercise the rights granted by the employment laws vis a vis the temporary employment agency.

Independent Contractors. If a person works for an employer on a per project basis, the employer merely specifies the result to be achieved, the person uses personal judgment and discretion in how to perform the work, the person supplies their own materials/tools, and the person performs the work in their own workspace then that individual is as a general rule an independent contractor. Other indications that a person works as an independent contractor are that the employer pays on per project basis, does not withhold taxes from the payments, payments are not issued as payroll checks and the employer furnishes the person with a 1099 Form at the end of the year. As a general rule, independent contractors are not protected by federal employment laws.

I. Wages, Hours, Leaves and Child Labor

The Fair Labor Standards Act mandates minimum wage requirements, overtime payment requirements, leave requirements, child labor prohibitions and other protections for employees who work in the private as well as in the public sector. Domestic workers are covered by the Act. While live-in companions for the elderly or babysitters are not entitled to an hourly minimum wage, they are still entitled to overtime payments. (See 29 C.F.R. §552.100).

Certain categories of employees are excluded from the right to receive a minimum wage and overtime payments. Some of the more widely recognized categories of employees are executives, doctors, lawyers, academic administrative personnel, teachers in elementary or secondary schools, outside salespersons, summer camp workers, and amusement park workers who work 7 or less months per year. (See 29 U.S.C. §215). For a complete listing of exempt employees refer to the Act itself.

The Fair Labor and Standards Act is administered by the Wage and Hour Division of the Department of Labor, Employment Standards Administration. If you believe that any of your rights under the Fair Labor and Standards Act have been violated by your employer, you can file a complaint with the Department of Labor or file a private law suit. If you file a complaint with the Department of Labor, Division of Wages and Hours, the Secretary of the Department of Labor may bring an action in a court on your behalf to recover the amount of any unpaid wages or overtime compensation and an equal amount as liquidated damages. You can join the action filed as co-plaintiff with or without counsel of your choice if you would like to participate directly in the action. (See 29 U.S.C. §216). While you can recover up to twice the amount of unpaid wages or overtime for an alleged violation of the Fair Labor Standards Act, you can receive unpaid wages along with punitive and/or compensatory damages for an alleged violation of a non-discrimination law noted below. So you should consult with an attorney to determine whether you want to allege violation of the Fair Labor Standards Act or violation of a non-discrimination statute. Of note is that the Fair Labor Standards Act provides that an employee cannot be discharged or in any other manner discriminated against by his/her employer because s/he has filed any complaint with the Department of Labor, instituted or caused to be instituted a private law suit, or has testified or is about to testify regarding an alleged violation of this federal law. (See 29 U.S.C. §215).

A. Minimum Wage

The federal Fair Labor Standards Act mandates that employees receive no less than $5.15 an hour (this is commonly called the minimum wage). (See 29 U.S.C. §206(a)). Of note is that employers can pay newly hired employees who are under 20 years of age $4.25 per hour for the first 90 consecutive calendar days after such employee is hired. (See 29 U.S.C. §206(g)). Additionally, employers who hire learners, apprentices, and messengers employed primarily to deliver letters and messages under special certificates are not obligated to pay these employees the minimum wage stated above.

- **Students**: Employers who hire students pursuant to Department of Labor certificates need only pay them the greater of 85% of the minimum wage rate or (i)$1.60 per hour if

employed in retail or service, (ii) $1.30 an hour if employed in any occupation in agriculture, or (iii) $1.60 an hour if the students are enrolled in and employed by the same institution of higher education. (See 29 U.S.C. §214(b)).

While most state minimum wage laws mirror the federal law, some state laws mandate a different amount. If the minimum wage law of the state where you reside provides for a higher or lower minimum wage rate, then your employer is obligated to pay the amount mandated by the state law. (See 29 U.S.C. §218).

B. Overtime Payment

As a general rule the Fair Labor Standards Act provides that employees who work more than 40 hours per work week receive overtime payment for each additional hour in excess of forty at minimum rate of one and one-half times the employee's regular rate. (See 29 U.S.C. §207(a)). Of note is that employees of a public agency which is a State, a political subdivision of a State, or an interstate governmental agency may receive instead of overtime payment compensatory time off at a rate not less than one and one-half hours for each hour worked in excess of forty hours in one week. (See 29 U.S.C. §207(o)).

C. The Family and Medical Leave Act

The Family and Medical Leave Act permits an eligible employee to take job-protected leave (meaning you are entitled to get your job back when you return) "(1) to care for a newborn child or a newly placed adopted or foster care child, (2) to care for a family member (child, spouse, or parent) with a serious health condition, or (3) because the employee's own serious health condition makes the employee unable to perform the functions of his or her job." (See 29 C.F.R. §825.100). The right to take leave expires one year after the onset of the birth, adoption or foster care placement of a child or children with the employee. (See 29 U.S.C. §2612). In addition, if an employee is taking leave due to the birth, adoption or placement of a child, the employee should give his employer thirty (30) day prior notice along with the foreseen dates of his/her leave. If a thirty (30) day notice is not provided, the employee should give the employer reasonable notice. (See 29 U.S.C. §2612). Keep in mind that if a thirty day notice is not given, the employer can delay the start of the leave until thirty days has passed. (29 C.F.R. §825.312).

Length of Leave. The length of leave permitted under the statute is 12 workweeks during any 12-month period. If leave is taken due to the birth, adoption or placement of a child and both parents work for the same employer, the total length of leave they can take is still 12 workweeks. (See 29 U.S.C. §2612).

Structure/Schedule of Leave. Employees can take the 12 weeks of leave all at once, intermittently or on a reduced leave schedule. (Under a reduced leave schedule the employee continues to work but works fewer hours per week or per day). If the employee is taking leave for planned medical treatment, the employee can take leave intermittently or on a reduced leave schedule as long as he or she informs his employer ahead of time of the dates on which such treatment is expected to be given and the duration of such treatment. (See 29

U.S.C. §2613(b)(5)). If the employee is taking leave due to the birth, adoption or foster care placement of a child, the employee does not have the right to take the 12 week period of leave intermittently or on a reduced leave schedule. Naturally, the Act permits employers and employees to agree to a reduced leave schedule or intermittent leave if they chose to do so and agree to it. (See 29 U.S.C. §2612).

The Family and Medical Leave Act applies to all employers who engage in commerce and employ 50 or more employees for each working day during each of the 20 or more calendar workweeks in the current or preceding calendar year. (29 C.F.R. §825.104). Employees of employers who are governed by this Act are eligible to take leave under the Act if he or she: (1) has been employed by the employer for at least 12 months, (2) has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave, and (3) is employed at a worksite where 50 or more employees are employed within 75 miles of that worksite. The 12 month period need not be made up of consecutive months. Temporary or Part-time employees may still be eligible to take leave. (See 29 C.F.R. §825.110).

Of note is that an employee who takes family or medical leave is entitled to return to work after the leave to the same or equivalent job at the same compensation level. In addition, an employee who takes a family or medical leave is entitled to receive the same benefits they received before the leave both during and after the leave. Benefits as defined under the Act include group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions. (See 29 C.F.R. §825.100) & (See 29 U.S.C. §2611). Further, if a medical leave is to be taken, a certification from a doctor stating the dates that the employee suffered an illness/underwent treatment may be required by the employer before letting the employee take leave. (See 29 U.S.C. §2612). Likewise, when a medical leave is taken, a certification from a doctor stating that the employee is fit to return to work can and may be required by the employer before letting the employee return to work. (29 C.F.R. §825.312).

If your right to family or medical leave has been violated you can file a complaint with the Secretary of Labor, or file a private lawsuit in civil court. A complaint filed with the Secretary can be done in person, by mail or by telephone, with the l office of the Wage and Hour Division, Employment Standards Administration, of the U.S. Department of Labor. Of note is that if you file a complaint or bring a private law suit, you must do so within two years of the first violation or three years if the violation was willful. (See 29 C.F.R. §825.401). If your employer is found to have violated the Family and Medical Leave Act, a court may award you wages, employment benefits, other compensation denied or lost, and/or the cost of providing care. (See 29 C.F.R. §825.400).

Many states have their own Family and Medical Leave Laws which can offer more or less time, etc. to the employee taking leave. Employers who are covered, must abide by state laws so the employee has the option of taking federal or state mandated leaves and need not inform his/her employer of which leave has been taken. However, if you elect to take a leave mandated by state law, you may not file a complaint with Department of Labor if you believe your rights under the state law were violated. (See 29 C.F.R. §825.400). Finally, if you are

not covered by the Family and Medical Leave Act, Federal non-discrimination statutes such as Title VII may still provide the protection/relief you require.

D. Polygraph Protection Act

The Employee Polygraph Protection Act prohibits employers from (1) Requiring, requesting, suggesting or causing any employee to take a lie detector test to remain employed or as part of the hiring process; (2) Using, accepting, or inquiring about the results of a lie detector test of any employee or prospective employee; and (3) Discharging, disciplining, denying employment or promotion, or threatening to take any of these actions as a result of the employee refusing to take a lie detector test or because of the results of a lies detector test taken. One exception to this rule is that an employer can co-operate with law enforcement personnel or police who, during the course of an investigation into an alleged theft or other crime, require employees suspected of involvement to submit to a polygraph/lie detector test. (See 29 C.F.R. 801.4).

Like the Fair Labor and Standards Act this Act applies to private and public sector employers engaged in significant interstate commerce. While the law states businesses must earn more than $500,000 per year, businesses and agencies which earn less are often still governed. The Polygraph Protection Act however does not apply to Federal, State, and local government entities with respect to their own public employees. (See 29 C.F.R. 801.10).

E. Garnishment of Wages

A garnishment is a legal instrument that permits a creditor to whom the employee owes a debt to withhold monies from the employee's paycheck and use those monies to pay down the debt owed. The Consumer Credit Protection Act and the Fair Labor Standards Act provide protections for workers whose paychecks are being garnished. Pursuant to these federal statutes, the Administrator of the Wages and Hours Division of the Department of Labor assures, among other things, that no more than 25% of the employee's disposable earnings for that week or the amount by which his disposable earnings for that week exceeds a certain multiple (whichever amount is smaller) is taken from the paycheck by the creditor. Keep in mind however that the garnishment restriction does not apply to amounts withheld for State or Federal taxes or amounts withheld in Chapter 13 Bankruptcies and the restrictions are relaxed when it comes to withholding monies for child support and alimony payments. In addition, the Administrator of the Wages and Hours Division does not determine which creditors are paid first from garnished wages. (See 29 C.F.R. 807.1, 10 & 11).

F. Employment of Minors

Child Labor Laws regulate the employment of children in the United States at the national level. Briefly, in the United States children between sixteen and eighteen years of age are permitted to work in non-hazardous occupations and are permitted to work hours that do not interfere with their schooling. Children between the ages of fourteen and sixteen years of age may work in occupations that the Secretary of Labor has deemed are confined to periods of

time that will not interfere with their schooling and to conditions which will not interfere with their health and well-being. A common example of such an occupation would be a summer camp counselor, a summer intern or a farm hand during harvest. (See 29 U.S.C. §212). Of note is that employees under 17 years of age, including farm hands, may not drive automobiles or trucks on public roadways. (See 29 U.S.C. §213). Finally, as a general rule, children under fourteen are not permitted to work aside from working on farms, delivering newspapers or other similar activity. For Children ten and eleven years old to assist in harvesting crops the employer/parents must write a letter asking for a waiver of the prohibition six weeks prior to harvest to the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, Washington, DC 20210.

Of note is that the child labor requirements of the Fair Labor Standards Act do not apply to children who are: (i) employed as actor/performers in films, plays or in radio or television productions; (ii) under sixteen years of age who live with and are employed by their parents; and (iii) working on farms under certain circumstances. For employment on farms the child labor laws do not apply to: (1) children under twelve who are employed by their parents or a person acting as their parent to work on their farm outside of school hours for the school district where the child(ren) lives; (2) children under twelve who are employed, with their parents' consent, on a farm exempt from wage rate regulation; (3) children twelve or thirteen years of age who are employed to work on a farm with their parents consent or are employed to work on the same farm as their parents; (4) children sixteen years of age or older who are employed in agriculture during school hours for the school district in which the employed minor is living at the time; or (5) children who are fourteen years of age who are employed in agriculture outside school hours for the school district where the child lives while so employed. Of note is that even if the Secretary of Labor has found that a certain type of work is particularly hazardous for children under the age of sixteen, the children's employment is not subject to child labor laws as long as the child or children are employed by their parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person. (See 29 U.S.C. §213(c)).

Keep in mind that many states have their own child labor laws. If the requirements of state child labor laws limit permissible work for children more than the federal laws do, then employers must abide by the state laws. For example, New York state requires children under sixteen years of age to obtain permits in order to work as camp counselors. To find out the specific requirements of your state, you should contact the Regional Department of Labor Office in your area which is listed in the blue pages of the telephone directory.

G. Equal Pay

The Equal Pay Act requires that employers pay employees of different sexes at the same rate of pay as long as the employees perform the same work that requires equal skill, effort, and responsibility, and the employees perform the work under similar working conditions. Keep in mind however, employers are allowed to pay employees different wage rates as long as the differences are not based on sex and are instead based on either (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or

(iv) any other legitimate factor other than sex. (See 29 U.S.C. Section 206(d)). The Equal Pay Act is enforced by the Equal Employment Opportunity Commission and applies to employers who engage in interstate commerce, and earn at least $500,000 per year (this last requirement is not always necessary). If you believe that you have received unequal pay due to his/her gender you can file a complaint with the Department of Labor, Division of Wages and Hours or file a private law suit under a federal or state non-discrimination statute. While a violation of the Equal Pay Act may result in the employee recovering up to twice the amount of wages withheld (See 29 U.S.C. Section 206(d)), a violation of a non-discrimination statute can result in the employee receiving a larger amount (lost wages as well as compensatory and/or punitive damages).

II. Discrimination in Hiring, Promoting, Discharging and Other Terms/Conditions of Employment/Retirement

Employment discrimination is prohibited by several federal non-discrimination statutes. Each statute addresses specific forms of discrimination. Following is a summary of rights and protections provided by federal non-discrimination statutes.

A. Discrimination based on race, sex, color, national origin or religion

Title VII of The Civil Rights Act of 1964 (Title VII) protects employees against discrimination based on race, sex, color, national origin or religion. (See 29 U.S.C. §§2000e et. Seq.). Title VII's prohibition against discrimination requires that employees be considered for hire, promotion, training, etc. on the basis of that employee's individual capacities and not on the basis of any characteristics or stereotypes generally attributed to the employee's gender, religious, cultural, racial or national group. In addition, sexual harassment is prohibited by this statute as discriminatory behavior based on sex/gender. An employee's membership in a particular group is referred to under the law as being a member of a protected class. In addition, Title VII prohibits employers from refusing to hire an individual because coworkers, clients or customers prefer not to work with members of one or more protected classes. (See 29 C.F.R. §1604.2). Included under the prohibition against discrimination based on sex is discriminating against an employee who is pregnant. (See also section I.C above summarizing the Family and Medical Leave Act).

Naturally, in some circumstances membership in a protected class is a bona-fide occupational requirement. For example catholic schools may require their teachers practice Catholicism, movie production companies may require an actress instead of an actor play a particular role, and an employer or prospective employer can schedule a test or other selection procedure on a religious holiday if to schedule the test on another day would cause undue hardship to the employer. (See 29 C.F.R. §1605.3).

The protections of Title VII apply to both private and public sector employees as long as their employers employ at least fifteen employees. Employment agencies (temporary as well as permanent), unions and government agencies (federal, state and city) are all subject to the prohibitions set forth in Title VII. If your employer is not regulated by Title VII, it may be regulated by the federal statute commonly referred to as Section 1981 (42 U.S.C. §1981)

which prohibits discrimination based on race or ethnicity regardless of the employer's size and it may be regulated by State non-discriminatory statutes. Of note also is that state non-discriminatory statutes tend to be broader than Tile VII. For example, Title VII does not protect against discrimination based on marital status or sexual orientation whereas many state statutes such as New York's do. On the other hand, if state laws conflict with the prohibitions set forth in Title VII, an employer cannot raise the existence of the state statute as a defense to an allegation that he or she has violated an employee's Title VII right.

B. Age Discrimination

The Age Discrimination in Employment Act (ADEA) provides that an employer cannot discriminate in hiring, firing, promoting, or with respect to the employee's compensation, terms of employment, classification/status or benefits such as vacation, health insurance, pension plan, etc. because of the employee's age. Employees who are forty years of age or older who work for public and private sector employers with 20 or more employees are protected under the ADEA. The Act also applies to the federal government, employment agencies and unions. (See 29 C.F.R. §1625.2) and (See 29 U.S.C. §623).

Of note is that while an employer is not permitted to "force" or pressure an employee into retiring early, an employer can require that a "highly compensated" executive retire at the age of 65 as long as the employee will be able to immediately receive annual retirement benefits of at least $44,000. (See 29 U.S.C. §631). Furthermore, an employer will not violate the ADEA if he refuses to hire or promote a person because of the person's age when age is a "bona-fide qualification" for the position which means that the age limit is reasonably necessary to perform the duties of the position. (See 29 C.F.R. §1625.6).

C. Discriminating Against the Disabled

The Americans with Disabilities Act (ADA) requires that employers do not discriminate against qualified individuals with disabilities with respect to the terms, conditions or benefit of employment as well as with respect to hiring, firing and promoting that individual. (See 42 U.S.C. §12101, et seq.), (See 29 C.F.R. §1630.4). In terms of accommodations, the employee is responsible for notifying their employer that they need special accommodation. Once notified, the employer can only deny accommodation under certain circumstances. The ADA protects disabled individuals who work in the private or public sector for a corporation, government agency, employment agency or union that employs 15 or more employees. (See 29 C.F.R. §1630.2) Briefly, to be disabled an individual must have either (i) a mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities or (ii) a physical disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine. (See 29 C.F.R. §1630.2). Aids or HIV are included under the heading of a physical disorder and persons with Aids or HIV are protected against discrimination in employment under the ADA.

The Equal Employment Opportunity Commission enforces Title VII and the ADA and will assists persons who believe they have been discriminated against with filing a charge. If you believe you are being unlawfully discriminated against, you can contact your local EEOC Field Office or your State Fair Employment Practices Agency Office and request that the they issue a charge of discrimination and conduct an inquiry/investigation into your employer's practices. (See 29 C.F.R. §1601 et seq.). You can ask the EEOC to keep your identity confidential as they investigate your employer. If you will file your charge with the EEOC Field Office you must do so within 180 days of the first violation. If you file your charge with a state Fair Employment Practices Agency and that agency decides not to pursue and investigation or if the agency terminates its investigation/proceedings, you can re-file your charge with the EEOC Field Office in your state within 30 days of when the state agency notifies you of their decision or within 300 days from the date of the alleged violation, whichever is earlier. (See 29 C.F.R. §1601.13).

Of note is that the EEOC will first attempt to remedy the violation by persuading your employer to voluntary comply with the requirements of Title VII, ADA and/or ADEA. If this fails, the EEOC will then commence a legal proceeding which can result in your recovering unpaid wages, salary and overtime compensation. In addition, you may receive a judgment compelling your employer or prospective employer to employ you or promote you. (See 29 U.S.C. §626). The EEOC requires that if you decide to file a private civil action, you must first file a complaint with the EEOC. Depending on your circumstance, you may also have to file a complaint with your State's Fair Employment Practices Office before filing a private civil action as well.

D. Immigrant Discrimination

The Immigration Reform and Control Act prohibits employers from discriminating against lawfully admitted immigrants based on their nationality or citizenship status. In addition, employers may not intimidate, threaten, coerce, or retaliate against any lawfully admitted alien in order to prevent that person from enforcing their rights under this act or because that person has filed a complaint under this Act. This prohibition applies to lawfully admitted aliens (resident aliens, naturalized citizens, persons granted asylum, etc) who work for an employer with three or more employees. Under the Act, it is not unlawful for an employer to decide to hire an American citizen instead of a lawfully admitted alien or to discriminate against a lawfully admitted alien if to do so is in compliance with a U.S. law, regulation, or executive order, or required by the terms of a government contract or is a condition established by the U.S. Attorney General for doing business with a federal state or local government agency or department. (See 8 U.S.C. §1324(b)).

If you believe you have been subjected to unfair immigrant-related employment practices, you can file a charge with the Special Counsel of the United States Department of Justice within 180 days of the first discriminatory act or practice. The Special Counsel will take no more than 120 days to investigate and if your charge is found to be a sustainable charge prosecute your employer in court before an administrative law judge on your behalf. If the Special Counsel has not filed a complaint against your employer by the end of the 120 days she/he will send you notice and you nay file a your own complaint against your employer with an administrative law judge within 90 days after the date of receipt of the notice. Of

note is that you may not file a charge of unfair immigrant-related employment practices with the Special Counsel if you have already filed a charge of employment discrimination based on national origin or ethnicity arising from the same set of facts with the EEOC, unless the EEOC has dismissed the charge is dismissed as being outside the scope of Title VII. (See 8 U.S.C. §1324b).

III. Protections/Rights Provided At The Termination of Employment

A. Removal for Just Cause Only

The Federal Employee Performance Act provides that an employee can only be terminated for cause (or unacceptable performance) and that before termination the public agency must: 1) give the employee written notice 30 days in advance that details the specific instance of unacceptable performance and elements of the employee's position effected; (2) provide the employee the opportunity to defend themselves in writing or orally; (3) allow the employee to retain a lawyer or other representative to defend the employee; and (4) receive a written decision. (See 5 U.S.C. §4303).

B. Plant Closings and Layoffs

The Worker Adjustment and Retraining Notification Act (WARN) requires that employers let employees or the employee union representatives know 60 days in advance of pending plant closing or mass layoff that will result in 50 or more (or 33% of total) employees being discharged within a thirty day period. The Act applies to plants with 100 or more employees, not counting employees who have worked less than 6 months or work less than 20 hours a week**.** Of note is that business partners of the plant do not have to be informed of pending closings or lay offs. (See 29 U.S.C. § 2102). If you do not receive proper notice, your only recourse is to file a private law suit in district court or to join a class-action law suit that has been or will be filed. Employees who do not receive proper notice can recover back pay for each day notice was not received up to a maximum of 60 days and benefits under an employee benefit plan including medical expenses incurred even if the expenses would not have been covered normally. (See 29 U.S.C. § 2104).

State dislocated worker units will receive notice of plant closings/lay offs under WARN and can assist discharged workers. Likewise, state agencies/departments will also receive WARN notices and may further assist employees in transitioning to other positions prior to being discharged. (See 29 U.S.C. § 2102). You can obtain contact information for these state based organizations from your local phone book or by visiting the following Department of Labor web site link. http://www.doleta.gov/regions/reg04/warn/warn-summary.htm.

C. Jury Duty

The Jury System Improvements Act mandates that an employer cannot fire, threaten to fire, intimidate, or coerce any permanent employee because that employee has been called for or has served jury duty in a U.S. court of law. If your employer violates this law, you can file a private law suit in federal district court seeking to recover lost wages, value of any lost

benefits and reinstatement. The district court will appoint a lawyer to you if you request. If you retain your own lawyer and prevail, the court can award attorney fees and court costs. Of note is that if you are reinstated to your position of employment The Act provides that you should not lose your seniority, insurance or other benefits offered by the employer. (See 28 U.S.C. §1875).

D. Re-Employment for Members of the Armed Forces

The Uniform Services Employment and Reemployment Rights Act provides that any person absent from their position for five or less years as a result of service in the uniformed services shall be entitled to the reemployment rights and benefits as long as (1) the employee has given advance written or verbal notice of such service to such person's employer and (2) the person reports to, or submits an application for reemployment to, such employer. (See 38 U.S.C. §4312) Upon returning to their position, the employee retains all benefits (inclusive f vacation, health insurance and the like) and seniority that they had upon leaving as well as any additional seniority or benefits they would have gained had they worked continuously. (See 38 U.S.C. §4316)

E. Health Insurance After Termination

The Consolidated Omnibus Budget Reconciliation Act (COBRA) mandates that discharged or terminated employees have the option to purchase at a group rate an additional 18 months of coverage under the current health insurance plan. Of note is that COBRA does not apply to companies with less than 20 employees. (See 29 U.S.C. §1161). The Act provides that the employee can purchase up to 18 months of continued insurance coverage and that the employee should not pay more than 102% of the regular monthly premium (See 29 U.S.C. §1161).

F. Unemployment Insurance

The U.S. Department of Labor provides that employees who have lost their jobs can receive unemployment insurance. Each state administers unemployment insurance benefit applications, processing and payments for that state. While the specific coverage requirements may vary from state to state, employees who have worked at least 20 weeks before being laid off are eligible to receive unemployment insurance benefits. To receive benefits you must register with your local unemployment office, register with an employment agency or demonstrate that you are looking for work and state to the unemployment office that you are available to work. The address and phone number of your local unemployment office can be located in the blue pages of your local telephone directory.

IV. Pension Plans and Retirement Benefits

Generally speaking, the laws do not require an employer to provide specific pension or retirement benefits. However, the federal government does provide protections/guarantees to employees with respect to pension plans and retirement benefits that are offered.

A. Private Employee Pension Plans

Private pension plans are either defined benefit plans and defined contribution plans. Defined benefit plans pay out to the retired employee a fixed benefit amount which amount is stated in the plan materials. Defined contribution plans involve the employee and at times the employer paying into the employee's pension fund a specified dollar amount each year which the employee can withdraw upon becoming fully vested or retiring. Defined contribution plans are increasingly being used and include 401k plans, profit-sharing plans, and employee stock ownership plans.

The Employee Retirement Income Security Act (ERISA) does dictate how the employers with pension plans administer them, the information employees receive regarding their pension plans, and how the employer invests and distributes the pension funds. Some of the fundamental rights and protections mandated by ERISA are:

- Eligibility: As a general rule, an employee is eligible to participate in the private employer's pension plan if he or she is at least 21 years old and has been employed for one year or billed 1,000 hours (See 29 U.S.C. ERISA §1051).

- Information: ERISA laws dictate the scope and frequency of information the employer must give its employees regarding the pension plan. Part of these requirements are that the employees receive a Summary Plan Description setting forth the pension plan rules and requirements and a Personal Benefit Account Statement detailing the amount of pension benefits and what portion is vested. (See 29 U.S.C. ERISA §1021, 1022 and 1025).

- Separation of Service and Vesting: Under ERISA, if an employee resigns from or is discharged from a job before retirement age (termed separation of service), the employee is entitled to receive some of his/her benefits that have accrued under the pension plan. If the employee has a defined benefit plan, the employee is entitled to receive 3% of the total benefit she/he would have received upon retiring multiplied by the number of years that s/he participated in the pension plan (not to exceed 331/3 years). If the employee has a defined contribution plan, the employee is entitled to receive the full balance of contribution the employee made to his pension plan (less unpaid distributions, loans, etc) along with any amount of employer contributions that have vested. (29 U.S.C. §1054). Vesting refers to the point at which employees become entitled to receive employer contributions paid into the pension plan on the behalf of the employee. ERISA provides that an employee can become vested in one of two ways: (1) the employee becomes fully vested (entitled to 100% of the contributions made by the employer) after serving on the job continuously for five years or (2) the employee becomes fully vested in stages; 20% upon 3 years of service, 40% upon 4 years of service, 60% upon 5 years of service, 80% upon 6 years of service and 100% upon 7 years of service. (29 U.S.C. §1054). When an employee leaves a job and receives a payout of pension plan benefits before retirement age, the employee will have to pay taxes on the monies received unless the employee immediately places the money into an IRA or new employers pension plan (termed a

rollover), uses the money to purchase their first home, or other limited exceptions established by the IRS. You should consult an accountant prior to taking your distribution.

- Plan Termination: ERISA provides that administrators of private defined benefit pension plans (government pension plans are not covered by the Act) maintain insurance with the Pension Benefit Guaranty Corporation (PBGC). The PBGC guarantees the participant benefits against lost so that the participants can receive some of their benefits should the plan terminate. However, the PBGC insurance applies only to certain benefits and provides a limited amount of money. (See 29 U.S.C. §1321). To find out if the PBGC applies to your benefits you should contact either your plan administer, the PBGC or the Employees Benefits Security Administration which enforces and provides information regarding ERISA.

- Unjustified Discharge/Firing: ERISA prohibits employers from firing employees in order to prevent their pension plan funds from becoming fully vested. In order to charge your employer with improperly firing you under this law, you must be able to prove that your employer's primary purpose in firing you was to avoid having to pay you your pension benefits. If you have been fired for this reason you can bring a civil action against your employer and receive lost wages, lost benefits and attorney fees.

- Joint and Survivor Annuities: Most pension plans permit employees who will retire after January 1, 1976 to elect to receive a small benefit amount from a defined benefit plan so that the employee or the employee's spouse can continue to receive pension benefits for as long as s/he lives. Of note is that upon the employee's death, the benefit amount paid to the spouse can be reduced by as much as 50%. (See 29 U.S.C. ERISA §1055).

- Administrator's Fiduciary Duty. Under ERISA, the employer or employer's representative has a fiduciary duty to manage pension funds solely in the interest of the employees, to act skillfully, prudently, and diligently in administering the plan, to diversify the fund investments to avoid large losses, and to operate the pension plan in accordance with the plan rules. These fiduciary requirement serve to protect employees from losing pension benefits. However, these protections are fact specific and therefore may not protect employees from all losses. (See 29 U.S.C. ERISA §§1101-1114).

If you believe that your employer has or is violating your rights as a pension beneficiary or the prohibitions set forth under ERISA, you can bring your allegation to the Secretary Of Labor. The Secretary will investigate the allegation to determine whether your employer or your employer's representative has violated or is about to violate any provision of ERISA. (See 29 U.S.C. §1134). Upon conducting an investigation, if the Secretary determines that a violation has occurred, he will refer the case to federal or state prosecutors who will file civil and/or criminal actions. (See 29 U.S.C. §1136). The Secretary of Labor will also work in conjunction with state agencies and may well delegate the investigation to a state agency.

B. Public Retirement Benefit Plans

Public sector employees are entitled to receive retirement annuities, the federal government

offers its employees deferred retirement annuities, cost of living adjustments to annuities, survivor annuities, the option to receive annuities in a lump sum payment; and the option to increase annuities by making additional contributions toward their pension. (See 5 U.S.C. §§8338, 8339 and 8341-43). The Office of Personal Management pays out retirement annuities and handles all claims for annuities and makes all decisions concerning annuity eligibility, reduction, discontinuance, etc. You can obtain assistance in understanding your pension plan and applying for the benefits listed above by contacting the Office of Personal Management. Should you disagree with the Office's determination, you may appeal to the Merit Systems Protection Board under procedures prescribed by the Board. It is highly advised that you seek the advice of legal counsel or your local Area Agency on Aging prior to commencing an appeal as the process can be complicated and may contain firm time restrictions.

V. Workplace Safety

The Occupational Safety And Health Act (OSHA) provides that employers as well as employees must follow the standards promulgated under the Act to reduce the number of occupational safety and health hazards at their places of employment, and to adopt programs/procedures that will create a workplace that is free from "recognized hazards that are causing or are likely to cause death or serious physical harm," and keep records of employee injuries, illnesses, deaths, and exposures to toxic substances. (See generally 29 U.S.C. §651). OSHA authorizes the Secretary of Labor to set mandatory occupational safety and health standards that covered employers must abide by. To obtain a list of OSHA standards go to the OSHA website at http://www.osha.gov. Private and Public employers engaged in commerce are covered by OSHA or State agencies who partner with OSHA. Of note is that particular emphasis placed on certain industries such as construction, plants and businesses working with hazardous materials.

A. Whistleblower Protection

Federal employment laws and most state laws protect employees who report violations of OSHA and other safety laws from retaliatory actions, demotion and/or discharge.

B. Protection for Refusing to perform hazardous/deadly work tasks

Employees who refuse to perform a task or activity that they believe will endanger them are protected from discharge/demotion as long as the employee has a good faith belief that s/he would be in real danger of death or serious injury; a reasonable person would form the same belief; there is not enough time reduce or eliminate the risk through the regular OSHA channels; and the employee has already asked the employer to alter the task or activity.

The requirements of OSHA are enforced by the Occupational Safety and Health Review Commission which investigates and prosecutes reported violations of OSHA. (See 29 U.S.C. §657). Upon investigating an alleged violation, the Commission can request an injunction to force the employer to discontinue the practice or activity that endangers the health and safety of the employees. (See 29 U.S.C. §662). If you or your union representative would like to report a suspected violation of OSHA standards you can send a written notice to the

Secretary of Labor or the regional/local OSHA office in your state informing them of the alleged violation and requesting an immediate investigation of the workplace and issuance of an injunction. The written notice must specify in detail the conditions, activities or policies that endanger the employees and must be signed by the employees or representative of employees. Upon request, the Secretary of Labor will keep the identity of the employee or employee representative who wrote the notice confidential. (See 29 U.S.C. §657(f).

Of note however is that if a particular federal statute regulates the health and safety of a particular industry or occupation, such a mining, then OSHA standards will not apply to that employer. For example, miners are governed by the Mine Safety and Health Administration and not OSHA. You can contact your local OSHA or Department of Labor Office for more information

VI. Workers Compensation

Workers compensation refers to laws that provide monthly payments to employees who are injured or permanently disabled by employment related accidents or incidents. Federal worker compensation statutes only apply to public employees, except for seaman, and to those workers employed in some significant aspect of interstate commerce. As a result if you work in the private sector or for a small public sector employer, you will not be entitled to the protections afforded by these statutes. You may however be covered by state workers compensation laws. Following is a brief summary of federal workers compensation statutes:

A. The Federal Employment Compensation Act

The Federal Employment Compensation Act provides workers monthly compensation payments for non-military, federal employees who are disabled or killed resulting from personal injury sustained while in the performance of his/her duty, unless the injury or death was willfully caused by the employee or directly or indirectly caused by the employee's intoxication. (See 5 U.S.C. §8102). Total disability is defined by the Act as the loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes. Injury resulting in the loss of one hand or the loss of sight in one eye will likely be deemed a partial disability under the Act. (See 5 U.S.C. §8105). Partially disabled employees can receive during the period of partial disability monthly compensation equal to 66 2/3 percent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of the partial disability. (See 5 U.S.C. §8106). For an employee who is totally disabled by his/her injury, the government will pay the employee during the period of disability monthly monetary compensation equal to 66 2/3 percent of his monthly pay. (See 5 U.S.C. §8105). The amount of time that disability payments are received is based on the nature of the injury. The schedule of compensation can be obtained from the Office of Workers' Compensation which administers the Act. In addition, the Federal Employment Compensation Act will pay for medical expenses related to the injury and prescribed by a physician to aid or cure the employee including necessary services, appliances, and supplies. (See 5 U.S.C. §8103). Finally, the Act provides compensation for survivors of employees who are killed in work related accidents or incidents.

B. The Federal Employment Liability Act (FELA)

FELA provides compensation payments to railroad workers who are injured or disabled in the course of employment due to the employer's negligence. (See 45 U.S.C. §51). Because this is not a workers compensation statute per se, the injured employee or his/her survivors must file a private law suit in district court to recover damages for the injury and the amount of damages will be reduced if the jury determines that the employee's own negligence contributed to the resultant injury or death. (See 45 U.S.C. §56).

C. The Longshore and Harbor Workers' Compensation Act (LHWCA)

The LHWCA provides workers' compensation to employees of private maritime employers. Employees can receive compensation payments if their disability or death results from an injury occurring upon the navigable waters of the United States during the course of employment (this includes while working on a pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used for loading, unloading, repairing, dismantling, or building a vessel). Of note, is that the protections of this Act does not apply to governmental officers and employees, to employees injured as a result of their intoxication, or to employees injured by their own willful or intentional act undertaken to injure themselves or another person. (See 33 U.S.C. §903). The Office of Workers' Compensation Programs administers the Act and can be contacted for further information and/or assistance. Seaman who are not covered by the LHWCA may receive protection under the Merchant Marine Act (the Jones Act). This Act is similar to FELA in that it provides seamen monthly compensation payments when they are injured as a result of their employer's negligence. (See 46 U.S.C. §688).

D. The Black Lung Benefits Act

The Black Lung Benefits Act provides compensation for miners suffering from "black lung" (pneumoconiosis) as a result of their employment in coal mines. Survivors of miners are also eligible to receive monthly compensation payments under the Act. The Black Lung Act requires mine operators who cannot obtain workers compensation payments for injured miners to pay disability payments themselves. If the mine operators are unable to do so, the federal government has established a fund administered by the Secretary of Labor which will provide disability payments to miners. (See 30 U.S.C. §933). Department of Labor, local field offices are available to assist miners and their survivors in filing and processing claims under the Black Lung Benefit Act. (See 30 U.S.C. §903).

E. Social Security Disability Insurance

The Social Security Disability Insurance system offers covered employers who are disabled as a result of illness or injury monthly benefit payments. To be considered disabled, the employee must suffer a physical or mental disability that prevents them being able to work (under the Social Security Administration Act individuals with chronic kidney failure, kidney transplant requiring dialysis are considered disabled). Since the injury or illness need not have resulted from employment, social security disability insurance benefits can assist an employee not

eligible for worker's compensation and not covered under one of the occupation specific Acts listed above. More information on Social Security Disability Insurance can be obtained from the Social Security Administration Office. Their address and phone number are located in the blue pages of your local telephone directory.

VII. Additional Rights/Protections Provided to Public Sector Employees

Public sector employees receive the protection of restrictions set forth in the federal and state constitutions as well as federal and state civil service rules. Following are some of the additional protections offered at the national level to public sector employees.

A. Employer's Obligation to Give Veterans' Preference

The Veteran's Benefit Act provides veterans with a preferred status and requires that employers consider them first in initial hiring and consider them last when implementing staff reductions. The Act's mandate applies to private employers who have government contracts in the amount of $25,000 or more and to public employers. Veterans who are disabled, veterans of the Vietnam war, recent veterans, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, are eligible to receive the protections of this Act. (See 38 U.S.C. §4212). If you believe that your rights afforded under this Act have been violated you can contact the Veteran's Employment and Training Service which will investigate your allegation.

B. Affirmative Action

Executive Order 11246 mandates that private employers with government contracts valued at $50,000 or more and public employers must have an affirmative action plan to promote the hiring and retention of minorities and women. The Rehabilitation Act requires employers with government contracts valued at $2,500 or more have an affirmative action plan to promote the hiring of disabled individuals. If you work for, or are, a federal contractor, you can receive information about additional legal requirements imposed on contractors and about Affirmative Action Programs from The Employment Standards Administration (ESA), Office of Federal Contract Compliance Programs, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 693-0023.

C. Drug Free Workplace

The Drug-Free Workplace Act requires that employers with government contracts provide a drug-free workplace by: (A) distributing to employees a statement notifying employees that drugs are prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (B) establishing a drug-free awareness program to inform employees about: (i) the dangers of drug abuse in the workplace; (ii) the employer's policy of maintaining a drug-free workplace; (iii) any available drug counseling programs; and (iv) the penalties that may be imposed upon employees for drug abuse violations; (C) making it a requirement that each employee to be engaged in the performance of such contract be given a copy of this statement; and (D) notifying the employee that as a condition of employment the employee abide by the terms of the employee's policy and notify the

employer of any criminal drug conviction for a violation occurring in the workplace no later than 5 days after such conviction. (See 41 U.S.C. §701).

D. State Specific Civil Service Rules

Each state has civil service rules that govern the employment of individuals in the public sector. The specific rules will vary from state but as a general rule they establish a merit system for employment, require that employees can only be discharged for cause and require that employees must be given an opportunity to hear the why they will be discharged and defend themselves. State Civil Service Commissions enforce the civil service rules and can be contacted for more information and assistance.

VIII. Unions and Labor Organizations

When employees select a union as their bargaining representative, the union negotiates a contract (collective bargaining agreement) with the employer containing the terms and conditions of employment for all employees. Usually collective bargaining agreements last for three years and cover *wages,* hours and overtime, vacations, promotions and assignments, health insurance, pension benefits, layoffs, closings and firings. Once a union has been established and a collective bargaining agreement is negotiated, individual employees cannot negotiate separate terms and conditions of employment with the employer. While federal laws do not require that employees elect a union they do provide protections to employees engaged in the process of establishing a union and after the union has been established. Private employers are governed by the National Labor and Relations Act also called the Wagner Act and the Labor-Management Relations Act. *Airlines, railroad, agriculture, and government employees are excluded from the protections of this Act. Following below is a summary of statutes that provide these workers with unionization rights and protections.*

A. Unions and Employers

The National Labor Relations Act (NRLA) protects the employees right to form a union, to enter into collective bargaining agreements, to organize strikes and to refrain from doing so. (See 29 U.S.C. §157). The NRLA expressly provides that an employer cannot (1) interfere with the exercise of the rights listed above; (2) to wield influence over the formation or administration of any labor organization (by for example contributing financially to the union); (3) to discriminate in hiring or retaining employees based on their membership in any labor organization; or (4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony to protect rights granted by the NLRA. (See 29 U.S.C. §158). If the employee engages in any of these activities, the employer is engaging in unfair labor practices. Of note is that the NLRA does not permit employees to engage in slowdowns, sabotage or vandalism of company property and employees are only protected by the NLRA when they act as a group.

B. Unions and Their Members

The Labor-Management Reporting and Disclosure Act requires unions to file annual

financial reports, to file reports regarding certain labor relations practices, and to abide by standards governing the election of union officers. In terms of labor relation practices, the Act provides that a union engages in unfair labor practices if it: (1) restrains or coerces employees in the exercise of the rights provided by the NLRA or an employer in the selection of union representatives; (2) causes or attempts to cause an employer to discriminate against an employee on the basis of union membership or non-membership; (3) refuses as the collective bargaining representative to bargain with an employer; (4) engages in or encourages employees to undertake a strike or a work refusal unless authorized and ratified by employees; (5) requires employees to pay excessive union dues; (6) causes an employer to pay an exaction for services which are not performed or not to be performed; and (7) pickets an employer to force the employer or employees to bargain with the union unless the union has already been certified as the representative of such employees. (See 29 U.S.C. §158).

C. Grievances/Complaints of Unfair Labor Practices

The NLRA is administered by the Office of Labor-Management Standards which is part of ESA and enforced by the National Labor Relations Board (NLRB). If you believe that your rights under the NLRA have been violated by your employer or union, you can file a charge alleging unfair labor practices with the NLRB Regional, Sub-Regional or Resident Office in your locality. Keep in mind that you must file your charge within 180 days of the occurrence of the unfair labor practice. The NLRB will serve a complaint upon your employer or union representative and require that she/he appear before the Board. Upon the hearing of testimony and collection of evidence, the NRLB will determine if the NLRA has in fact been violated. (See 29 U.S.C. §160). If the NLRB determines that the employer or union has engaged or is engaging in unfair labor practices, the Board will among other things serve on the employer or union an order requiring that they cease and desist from such unfair labor practice and take affirmative action to remedy the wrong such as reinstatement of employees with or without back pay. (See 29 U.S.C. §160).

D. Railway and Airline Employees

The Railway Labor Act provides employees the right to form unions, regulates union activity in the workplace, prohibits discrimination in employment based on union activity and provides a mechanism through which to quickly resolve disputes over collective bargaining agreements. (See 45 U.S.C. §151(a)). Despite its name, the Railway Labor Act applies to both Airline and Railway employees, union representatives and employers. (See 45 U.S.C. §181) In the event that employees, unions and or employers (here termed carriers) cannot resolve disputes, any one party can petition the National Railroad Adjustment Board to resolve the dispute for them. In addition, the National Mediation Board will assist in the resolution of disputes that are not referable to the National Railroad Adjustment Board or have not been resolved in conference or when a dispute will result or has resulted in a labor emergency. (See 45 U.S.C. §155).

E. Public Sector Employees

Public and government employers are governed by Title VII of the Civil Service Reform Act which affords public sector employees the same rights and protections as those afforded

private sector employees by the NRLB. (See 5 U.S.C. §§7116 and 7120). If you believe your rights have been violated you can file a charge that the federal government agency or union has engaged in or is engaging in unfair labor practices with the General Counsel of The Federal Labor Relations Authority. The General Counsel will investigate the charge and, if possible, will pursue informal methods to resolve the unfair labor practices. If this is unsuccessful, the General Counsel will issue a complaint demanding that the agency or union cease and desist from the unfair labor practice(s); renegotiate a collective bargaining agreement in accordance with the order of the Authority; (C) reinstate an employee with back pay; or (D) any combination of the above actions or such other action as will resolve the unfair labor practices. (See 5 U.S.C. §§7118).

APPENDIX

U.S. Department of Labor (DOL)
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-0023

Family and Medical Leave	1-800-959-FMLA.
(OSHA) Public Affairs	(202) 693-1999
Pension and Welfare Benefits	(202) 219-8776 & (800) 998-7542 (for publications)
Federal Contract Compliance	(202) 693-0023
Other DOL offices/programs	1-866-4-USA-DOL (1-866-487-2365).

Employment Standards Administration (ESA)
Office of
200 Constitution Avenue, NW
Washington, DC 20210

Equal Employment Opportunity Commission (EEOC)
1400 L Street, NW
Suite 200
Washington, DC 20005
(202) 275-7377
1-800-669-3362 for publications
Web address: www.eeoc.gov

National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570
(202) 273-1991
Web address: http://www.nlrb.gov/

Social Security Administration
Baltimore, MD 21235
1-800-772-1213
web address: http://www.ssa.gov/

Wage and Hour Division
U.S. Department of Labor
Room S-1302
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-4650
web address: http://www.dol.gov/dol/esa/public/whd_org.htm