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Researching Labor and Employment Law

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For librarians working outside the area of labor law, it can sometimes seem a confusing mass of unfamiliar acronyms and sources. The following primer is intended to help clarify some of the sources and issues.

The federal law of labor relations has two major elements: statutes and decisions. The statutes are enacted by Congress: namely, the National Labor Relations Act of 1935 (NLRA), the Labor-Management Relations Act of 1947 (LMRA), and the Labor Management Reporting and Disclosure Act of 1959 (LMRDA). The National Labor Relations Board (NLRB) and the federal courts interpret and apply the statutes. These two elements make up "traditional labor law."

On the employment side, the U.S. Department of Labor (DOL) enforces employment laws that govern employee rights, such as: FLSA, OSHA, FMLA, ERISA, and WARN, and issues decisions, opinions and advisory documents.

The NLRB has primary responsibility for enforcing labor statutes. The Board deals with two kinds of cases: charges of unfair labor practice and worker representation. When a charge is filed, the NLRB investigates and if the charge lacks merit, it is dismissed. If the NLRB finds merit but the parties cannot settle the matter, the NLRB's General Counsel will issue a formal complaint and a hearing will be held before an administrative law judge (ALJ) or in some cases the regional director.. After the hearing, the judge issues a written decision which, can still be appealed to the NLRB in Washington. Appeals of Board decision are heard in the federal circuit courts. If a petition for election is filed, the NLRB judges its merit and presides over resolution of any disagreements that may arise.

NLRB decisions are published officially by the Board, and unofficially by CCH and BNA and are also available on Lexis and Westlaw. The Board's website contains recent decisions and older decisions are being gradually added. NLRB decisions normally contain the full text of the ALJ Decisions and the NLRB Regional Director Decisions which, while not being published officially, are also available on the Board's website.

Labor Arbitration. Collective bargaining agreements between unions and employers set the rules by which both parties are expected to abide, and most contain an arbitration clause. When a dispute arises, it is the usual practice to call upon an arbitrator to interpret the contract and issue a decision. The arbitrators' decisions, called "awards," are final and binding on the parties involved, are considered to have some persuasive value, and are used as precedent. Sources such as "Simpson's Arbitrators Qualification Reports" and the "Labor Arbitration Information Service" (LAIS) contain analysis of arbitrators' past rulings plus biographical information. The awards are published selectively by numerous publishers, most notably CCH, BNA and LAIS. The CCH and BNA reporters are on Lexis; Westlaw has the BNA and LAIS reporters.

The Department of Labor (DOL) administers the numerous federal labor and employment laws, including overseeing workers' rights to minimum wage, safe working conditions, freedom from discrimination, pension benefits, and unemployment insurance. DOL documents consist of Wage & Hour, FMLA or ERISA Opinion Letters & Advisory Opinions. Written by DOL officials, they interpret an individual employer's situation, and gives advice on his/her rights and obligations, and are published in the BNA Labor Relations Reporter, the CCH Labor Law Reporter. These as well as ERISA letters are on Lexis and Westlaw and are also available by subscription. DOL also makes some of these documents available on their web site.

DOL ALJ Decisions, while not published, are selectively available on Westlaw, Lexis and the Office of Administrative Law Judges website.

Occupational Safety & Health Administration (OSHA) Under the auspices of the Occupational Safety & Health Act of 1970, the Administration sets and enforces workplace safety and health standards. The principle OSHA rulings, OSH Review Commission Decisions, are published by CCH, BNA and are available on Westlaw and Lexis.

Equal Employment Opportunity Commission (EEOC) The Commission enforces Title VII of the Civil Rights Act of 1964, Equal Pay Act, Americans with Disabilities Act, Age Discrimination in Employment Act, Civil Rights Act of 1991, and Sections 501 and 505 of the Rehabilitation Act of 1973. Documents issued by the Commission include: EEOC Decisions which were published by CCH in the past and now are available on Lexis and Westlaw, Guidelines/Guidances on particular issues, available on its website and EEOC Compliance Manual published by BNA and CCH. They aim to explain, expand and supplement EEOC regulations.

Office of Federal Contract Compliance Programs (OFCCP) is part of the U.S. Department of Labor's Employment Standards Administration; it enforces affirmative action and equal employment opportunity for employees of companies that contract or subcontract with the U.S. Government under various Acts and executive orders. OFCCP Decisions are published by CCH and are available on Westlaw. The Compliance Manual (published by CCH) is on the agency's website along with Policy Directives.

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