

Just the Facts!

This summary of federal laws was taken from a document developed by Human Resource Management Systems LLC (<http://www.hrmsllc.com/>).

Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991 - Title VII of the Civil Rights Act of 1964 ("Title VII") was the first major federal legislation prohibiting discrimination by employers in the private sector: The Civil Rights Act of 1991 expanded Title VII to grant the employee the right to a jury trial and to permit the recovery of compensatory and punitive damages.

The Americans With Disabilities Act - The Americans with Disabilities Act ('ADA') prohibits discrimination against a qualified individual with a disability when the discrimination is based on the individual's disability. This prohibition applies to application procedures, hiring, promotion, discharge, compensation, job training and other terms, conditions, and privileges of employment litigation under the ADA is one of the most rapidly growing areas of employment litigation.

Age Discrimination in Employment Act of 1967 - The Age Discrimination in Employment Act of 1967 ("ADEA") protects employees over the age of 40 from discrimination on the basis of age with regard to hiring, discharge, compensation, and other terms, conditions, or privileges of employment.

Sections 1981 and 1983 of the Reconstruction Civil Rights Act - Section 1981 of the Civil Rights Act of 1866 extended to all U.S. citizens the right to contract, to sue, to participate in legal proceedings and to enjoy the full benefit and equal protection of the laws. The courts have held that Section 1981 covers employment claims because the employment relationship is a contractual relationship.

Section 1983 of the Civil Rights Act of 1871 allows a remedy to a person deprived of his or her constitutionally guaranteed rights "under color of state law, usage or custom". Section 1983 does not generally apply to private employers unless they are acting along with or under authority of a state or local government unit.

Equal Pay Act - The Equal Pay Act addresses pay discrimination among employees on the basis of gender. It does not apply to hiring, firing, and promotion decisions. Those claims are covered by Title VII. Instead, the Equal Pay Act requires employers to pay equal wages to employees performing substantially equal work, regardless of sex.

Employee Polygraph Protection Act - The Employee Polygraph Protection Act prevents employers from using lie detector tests, and from taking adverse action against any employee or prospective employee who refuses to take a lie detector test.

Worker Adjustment and Restraining Notification Act – The Worker Adjustment and Restraining Notification Act ("WARN Act") requires employers to give employees 60 days notice of most plant closings or mass layoffs. The WARN Act applies to employers who have 100 or more employees, excluding part time employees, or who have 100 or more employees who in the aggregate work at least 4,000 hours per week (exclusive of hours of overtime).

The Family and Medical Leave Act of 1993 - The Family and Medical Leave Act of 1993 ("FMLA") gives employees the right, in certain circumstances, to take unpaid leave from work in order to care for themselves or family members.

The Uniformed Services Employment and Reemployment Rights Act - The Uniformed Services Employment and Reemployment Act ("USERRA") defines the rights of employees returning from uniformed service for reemployment and for any retraining needed to qualify for any position for which the veteran is eligible. President Clinton signed the USERRA on October 13, 1994. The USERRA does not create any new rights, but restates and clarifies earlier federal statutes.