

Employment - Related Resources On The Web

By Karen Sutherland

Karen Sutherland is the Chair of Ogden Murphy Wallace, P.L.L.C.'s Employment Law Practice Group. She represents employers on workplace issues. Her employment law experience includes (among other things) investigating harassment and discrimination claims, sexual harassment training, employee handbooks, defending cities, counties and private employers regarding state and federal sex, age and disability discrimination law, breach of employment contract claims, Trade Secrets Act claims, tortious interference and defamation. Ms. Sutherland is licensed to practice law in Washington State only. This article is based on Washington State and Federal law.

Legal Background

The World Wide Web can be a useful tool for finding assistance on legal issues, including employment law issues. However, the information on the Web is not screened for accuracy, so it is important to be careful that your sources are good.

Fortunately, some of your taxpayer dollars are going towards developing web pages that make it relatively easy to obtain information from the government agencies that regulate employers. The following list is not intended to be exclusive, but is an example of some of the free government information resources available to you:

www.eeoc.gov. This is the Equal Employment Opportunity Commission's web site. It includes information about the discrimination laws and regulations that it enforces, such as the Americans with Disabilities Act, Title VII and the other civil rights laws. It provides access to the text of the laws and regulations, and has interpretive and enforcement information available, too.

www.usdoj.gov. This is the Department of Justice's web site. It contains information about other aspects of the civil rights laws that are not covered on the EEOC's site, such as a business's reasonable accommodation obligations as a place that provides services to the public.

www.dol.gov. This is the Department of Labor's web site. It includes information about the wage and hour laws (FLSA), the Office of Federal Contract Compliance (which sets standards for workforce diversity for federal contractors), the Family Medical Leave Act (FMLA), workplace safety rules (OSHA), among other things. It provides access to the text of the laws and regulations, press releases, and interpretive and enforcement information.

www.ftc.gov. This is the Federal Trade Commission's web site. It includes information about the discrimination laws and regulations that it enforces, such as the Fair Credit Reporting Act, which applies to background and credit checks of employees and applicants, and which the FTC has also interpreted as applying to workplace investigations such as sexual harassment investigations. It provides access to the text of the laws and regulations, letter opinions, and other interpretive information.

www.irs.gov. This is the Internal Revenue Service's web site. It includes information about the tax laws and regulations that it enforces, and has many of the IRS forms available online. It also

has information to determine if an individual is an employee or an independent contractor for federal tax purposes. It provides access to the text of the laws and regulations, letter opinions, and other interpretive information.

www.ssa.gov. This is the Social Security Administration's web site. It includes information about Social Security issues, such as the availability of extended Medicare coverage to Social Security beneficiaries who are working.

www.wa.gov/lni. This is the Washington State Department of Labor and Industries web site. It includes information about worker safety rules and minimum wage. It also provides articles and other interpretive information.

www.opm.gov. This is the Office of Personnel Management's web site. The OPM is, in effect, the Federal Government's human resources agency, and its site contains information about policies used by the federal government in its interpretation of the employment laws that apply to U.S. government employees.

www.supremecourtus.gov. This is the United States Supreme Court's web site. It provides Supreme Court opinions, information about cases that are before the Supreme Court, and links to related web sites.

www.courts.wa.gov. This is the Washington State Courts web site. It provides information about court opinions in the Washington state courts and information about the state court system.

www.leg.wa.gov. This is the Washington State Legislature's web page. It provides information about state laws, agency rules and bills.

Practical Guidelines.

- Reading a web page is no substitute for legal advice. In many situations, more than one agency has jurisdiction over the issues, and you may be overlooking a law, regulation, agency opinion or court decision that could affect the outcome. Contact Karen Sutherland at (206) 447-7000 or ksutherland@omwlaw.com for more information.
- If you contact your lawyer about the applicability of a certain regulation or opinion, make a copy of it and e-mail or fax it to the lawyer. This will save on your legal fees.
- Be sure that what you are reading applies to your situation. You may come across a regulation that appears to apply, but it may be part of a subset of regulations that affect only a limited number of employers, such as public employers or community colleges.
- Some of the regulations are organized in a confusing manner (such as the FLSA regulations). Printing out the table of contents for each part and subpart of the regulations that may apply before you begin an in-depth search may save you from getting lost.
- Start with the small business owner or employer guides. They have good general information about specific issues.

- Check the number of pages before you hit the print key. Some of the manuals online are several hundred pages.
- At least some (and perhaps all) of these sites track visitors to some degree, so keep in mind that you are not anonymous.

These materials are not intended and should not be used as legal advice or other recommendation. If you need a legal opinion on a specific issue or factual situation, please contact an attorney. Anyone using these materials should not rely on them as a substitute for legal advice.