

Workforce and Labor Policy: Resources for Congressional Offices

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Purpose and Scope

This report serves as a starting point for congressional offices to address issues related to federal workforce and labor programs and policies. The report outlines federal workforce and labor programs and benefits, congressional committees of jurisdiction, statistical sources, laws, regulations, and other sources of data. It also provides links to relevant Congressional Research Service (CRS) products and other resources that describe federal workforce and labor programs and benefits.

This report focuses primarily on major workforce and labor programs, including those supporting the federal government's role in labor standards (e.g., minimum wage rates, overtime pay), workforce development and employment services, worker safety and health, income support for workers (e.g., unemployment insurance, pension benefits), labor relations, and labor unions. The report also includes information on the federal government's role in the enforcement of worker discrimination protections. The report does not attempt to be an exhaustive resource. It does not include information on several of the more discretely focused federal workforce or labor areas, such as veterans' employment and training, or on some other federal programs that support access to higher education (with the potential to affect labor force outcomes), such as Pell Grants. Additionally, the report does not cover worker health care benefits, Social Security, or Social Security Disability Insurance (SSDI) worker benefits. CRS reports on several of these topics and other workforce or labor-related topics are available on the CRS.gov website.¹

Introduction to Workforce and Labor Policy

The Federal Government's Role in Workforce and Labor Policy

Congress has a long and ongoing interest in establishing labor protections and benefits at the federal level, tracing back to the enactment of foundational federal labor laws—such as the Fair Labor Standards Act and the National Labor Relations Act—in the early 20th century. The federal government has a role in numerous aspects of workforce and labor policy by administering and enforcing laws that cover millions of workers. The federal government supports workers, job seekers, and retirees by connecting individuals with skills and jobs and by safeguarding working conditions, health and retirement benefits, and employee pay.

The federal government engages in enforcement and compliance activities by administering the following programs, standards, and protections:²

Worker Protection: The federal government administers federal laws that establish standards related to wages (e.g., minimum wage rates, overtime pay), certain types of unpaid leave, and occupational safety affecting most of the private- and public-sector workforce. The Department of Labor (DOL) also administers targeted protections for workers in certain occupations (e.g., miners, agricultural workers, domestic service workers).

Income Support: The federal government oversees the administration of income support programs for individuals facing periods of unemployment. Federal law provides broad requirements regarding unemployment compensation (UC) benefits and financing; however,

¹ The Library of Congress provides public access to Congressional Research Service (CRS) reports at <https://crsreports.congress.gov/>.

² Based on CRS In Focus IF10975, *Major Functions of the U.S. Department of Labor*.

each state administers its UC programs under specific state laws. Additionally, the federal government oversees the administration of income support programs for individuals suffering work-related injuries. Finally, the government oversees insured private defined-benefit pension plans.

Workforce Development and Training: The federal government, via DOL, provides state grants to provide training and related services for jobseekers and assists these individuals with securing work. DOL also administers workforce development programs and services for targeted populations (e.g., veterans, trade-affected workers).

Labor Statistics and Research: The Bureau of Labor Statistics (BLS) is the principal federal agency responsible for measuring labor market activity, such as employment and wages, working conditions (e.g., injuries, illnesses), and economic price changes. BLS collects, analyzes, and disseminates economic information to support public and private efforts, including legislative decisions. Additionally, the U.S. Census Bureau collects and publishes selected labor force statistics. See **Table A-1** for more information on labor force data sources.

Enforces Protections Against Employment Discrimination: The federal government establishes and enforces federal laws that make it illegal to discriminate against job applicants or employees on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 years of age or older), disability, or genetic information. The federal government also enforces laws that make it illegal for employers to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Labor Representation and Collective Bargaining: The federal government enforces laws that recognize the employees' rights to engage in collective bargaining and have union representation. These federal laws also seek to prevent and/or mediate labor-management disputes for private-sector workers, federal workers, and workers in railroad or airline industries.

Although the federal government has a key role in enforcing labor policy, some enforcement happens at the state or local level. Depending on the federal law, states may establish labor laws that are more protective of employees than the federal law. For example, individual states may establish minimum wage rates that are higher than the federal rate, or states may establish occupational safety laws that are more protective of employees.³

Committees of Jurisdiction

Committee jurisdiction is determined by various factors, including rules, agreements, and precedent. Many committees play a role in legislation or oversight of labor and workforce programs and activities.⁴ **Table 1** lists committees in the 118th Congress whose jurisdiction aligns with the scope of workforce and labor policies covered in this report, based on language from each committee's website.

³ For more information, see U.S. Department of Labor (DOL), Wage and Hour Division, "State Labor Laws," at <https://www.dol.gov/agencies/whd/state>.

⁴ According to CRS Report RS20544, *The Office of the Parliamentarian in the House and Senate*, the House and Senate Parliamentarians "recommend the referral of most measures to committee, acting on behalf of the Speaker of the House or the presiding officer of the Senate. They refer measures on the basis of House and Senate rules and precedents that define committee jurisdictions."

Table 1. Committees of Jurisdiction

Labor-Related Subcommittees		
Committee and Jurisdiction^a	Subcommittee^b	Jurisdiction
<i>House Appropriations</i>		
Jurisdiction over appropriations measures	Labor, Health and Human Services, Education	Appropriations for the Department of Labor and related agencies/programs
<i>House Budget</i>		
Responsible for concurrent budget resolution, which establishes congressional priorities for 20 functional categories (including Education, Training, Employment, and Social Services)	No subcommittees	No subcommittees
<i>House Education and the Workforce^c</i>		
Jurisdiction over labor initiatives, including job training and retirement security for workers	Health, Employment, Labor, and Pensions	Matters dealing with employers and employees, the National Labor Relations Act, the Labor-Management Relations Act, and the Labor-Management Reporting and Disclosure Act; Bureau of Labor Statistics; employment-related health and retirement security, including the Employee Retirement Income Security Act
	Higher Education and Workforce Development	Workforce development, including the Workforce Innovation and Opportunity Act; vocational rehabilitation; and workforce development programs from immigration fees
	Workforce Protections	Wages and hours of workers, including, but not limited to, the Davis-Bacon Act, Walsh-Healey Act, the Service Contract Act, and the Fair Labor Standards Act; workers' compensation; the Family and Medical Leave Act; and workers' health and safety
<i>House Ways and Means</i>		
Tax- and revenue-related issues, including unemployment insurance	Work and Welfare	Tax- and revenue-related issues including unemployment compensation and extended and emergency benefits.
<i>Senate Appropriations^b</i>		

Labor-Related Subcommittees		
Committee and Jurisdiction ^a	Subcommittee ^b	Jurisdiction
Jurisdiction over appropriations measures	Labor, Health and Human Services, Education, and Related Agencies	Appropriations for the Department of Labor and related agencies/programs.
Senate Budget		
Responsible for concurrent budget resolution, which establishes congressional priorities for 20 functional categories (including Education, Training, Employment, and Social Services)	No subcommittees	No subcommittees
Senate Finance		
Tax and revenue provisions, including shared or sole jurisdiction over certain activities of the Department of Labor and the Pension Benefit Guaranty Corporation	Social Security, Pensions, and Family Policy	^d
Senate Health, Education, Labor, and Pensions		
Measures related to labor, including child labor, convict labor, equal employment activity, labor standards and statistics, mediation and arbitration of labor disputes, occupational safety and health, private pension plans, railway labor and retirement, regulation of foreign laborers, wages, and hours of labor	Employment and Workplace Safety	Jurisdiction over a variety of employment issues including workforce education and training, worker health and safety, wage and hour laws, and workplace flexibility.

Source: Compiled by CRS. Language describing jurisdiction is based on information from committee websites.

- a. For more information on committee jurisdiction, see the committee websites.
- b. The “Subcommittee Jurisdiction” column provides selected labor-related jurisdiction information for each subcommittee; see subcommittee websites for full subcommittee jurisdiction information.
- c. The House Education and Workforce Committee has also gone by the name “Education and Labor” in past congressional sessions.
- d. The Senate Finance Committee website did not provide information about subcommittee jurisdiction at the time this table was compiled.

Federal Agencies

DOL is the primary federal Cabinet agency responsible for administering and enforcing federal laws that cover the “workplace activities for about 150 million workers and 10 million workplaces.”⁵ Major DOL subagencies are responsible for diverse functions that support worker health and safety, benefits, and other labor rights.

Other federal agencies have important roles in supporting federal labor and workforce policy. For example, several independent federal agencies enforce laws that recognize the right of employees to engage in collective bargaining and have union representation. Finally, federal agencies enforce federal laws that make it illegal to discriminate against job applicants or employees.

Table 2 lists selected DOL agencies, Department of Education (ED) agencies, and several independent federal agencies involved in labor and workforce policy; it also provides an excerpt from each agency’s purpose statement.

Table 2. Selected Department of Labor Agencies and Other Federal Agencies Involved in Labor and Workforce Policy

Agency	Purpose
Bureau of Labor Statistics (DOL)	Collects, analyzes, and disseminates labor and economic information
Employment Benefits Security Administration (DOL)	Educates and assists workers, retirees, and family covered by retirement plans, health plans, and other welfare benefit plans
Employment and Training Administration (DOL)	Supports job training, employment, labor market information, and income maintenance through state and local workforce development systems under the Workforce Innovation and Opportunity Act; provides guidance and technical assistance to the federal-state unemployment compensation system
Mine Safety and Health Administration (DOL)	Supports and enforces safety and health rules for U.S. mines to prevent death, injury, or illness
Occupational Safety and Health Administration (DOL)	Supports and enforces the Occupational Safety and Health Act to assure safe and healthy working conditions for workers
Office of Workers’ Compensation Programs (DOL)	Protects the interests of workers who are injured or become ill on the job, their families, and their employers through programs that provide workers’ compensation benefits for federal workers, maritime workers, coal miners, construction workers, transportation workers, and nuclear weapons workers
Wage and Hours Division (DOL)	Supports and enforces the federal minimum wage, overtime, recordkeeping, and child labor requirements of the Fair Labor Standards Act
Office of Career, Technical, and Adult Education (ED)	Administers and coordinates ED programs related to adult education and literacy, career and technical education, and community colleges

⁵ DOL, “About Us: Summary of the Major Laws of the Department of Labor,” at <https://www.dol.gov/general/aboutdol/majorlaws>.

Agency	Purpose
Rehabilitative Services Administration (ED)	Supports state and other agencies that provide vocational rehabilitation and other services to individuals with disabilities
Pension Benefit Guaranty Corporation	Protects retirement security and retirement income of private-sector workers, retirees, and families
National Labor Relations Board	Protects rights of private-sector employees to organize as part of a union under collective bargaining agreements. Investigates unfair labor practices committed by private-sector employers and unions
Federal Labor Relations Authority	Protects the collective bargaining rights of federal employees
National Mediation Board	Protects the collective bargaining rights of railway and airline employees
Equal Employment Opportunity Commission ^a	Enforces federal laws that make it illegal to discriminate against job applicants or employees on the basis of race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 years of age or older), disability, or genetic information

Source: Prepared by CRS based on information from DOL.gov; ED.gov; PBGC.gov; NLRB.gov; FLRA.gov; NMB.gov; and EEOC.gov.

Notes: DOL = Department of Labor; ED = Department of Education.

- a. Federal employees also are protected against employment discrimination. A federal employee or job applicant can file a complaint with equal employment opportunity counselors located at the agency where the employee works.

Budget and Appropriations

Federal law requires the President to submit an annual budget to Congress no later than the first Monday in February.⁶ The budget informs Congress of the President’s overall federal fiscal policy based on proposed spending levels, revenues, and deficit (or surplus) levels. The budget request lays out the President’s relative priorities for federal programs. The President’s budget also may include legislative proposals for spending and tax policy changes. Although the President is not required to propose legislative changes for those parts of the budget that are governed by permanent law, such proposed changes are generally included in the budget.

For more information on budget and appropriations, see

- Office of Management and Budget (OMB), “President’s Budget”
- “Department of Labor” in the current “President’s Budget”
- CRS Report 98-721, *Introduction to the Federal Budget Process*

In addition to OMB budget materials, individual agencies issue annual congressional budget justifications. These justifications provide budget information by program as well as narratives that explain the programs and their activities.

⁶ For more information, see CRS Report R43163, *The President’s Budget: Overview of Structure and Timing of Submission to Congress*.

Although the President recommends spending levels, Congress, through appropriations and authorizations, provides funding for the operations of federal agencies. The House and Senate appropriations committees issue reports to accompany each of the annual appropriations bills that are reported from committee. The report language typically includes additional direction to the agencies on congressional priorities and concerns. The following are selected CRS resources on the appropriations process and status:

- CRS Report R42388, *The Congressional Appropriations Process: An Introduction*
- CRS, reports on Labor, HHS, and Education Appropriations
- CRS, reports on Budget & Appropriations Procedure
- CRS, “Appropriations Status Table” (includes links to reports, votes, and bills)

Table 3 lists selected labor-related agencies, corresponding appropriations bills, and budget websites and documents.

Table 3. Selected Labor-Related Budget Documents

Agency	Appropriations Bill	Budget Websites and Documents
Department of Education	Labor-HHS-ED	ED Budget Home ED Budget Tables See latest “Budget Request”
Department of Labor	Labor-HHS-ED	DOL Budget Home See “DOL Budget in Brief” and list of “Budget Justifications”
Equal Employment Opportunity Commission	CJS	EEOC Budget Home See latest “Budget Justification”
Federal Labor Relations Authority	FSGG	FLRA Budget Home See latest “Budget Justification”
National Labor Relations Board	Labor-HHS-ED	NLRB Budget Home See latest “Budget Justification”
National Mediation Board	Labor-HHS-ED	NMB Budget Home See latest “Budget Submission”
Pension Benefit Guaranty Corporation	Labor-HHS-ED ^a	PBGC Budget Home See latest “Budget Justification”

Source: Prepared by CRS from information on agency websites.

Notes: Labor-HHS-ED refers to the Labor, Health and Human Services, Education, and Related Agencies appropriations bill. FSGG refers to the Financial Services and General Government bill. CJS refers to the Commerce, Justice, Science, and Related Agencies bill. In addition to funding in these annual appropriations bills, agencies also receive funding through other means, including user fees, mandatory funding, and supplemental funding bills.

- The Pension Benefit Guaranty Corporation (PBGC) is required by law to be self-supporting and has authority to expend its trust funds on benefit payments and administrative costs (29 U.S.C. 1305). (Amounts for program administration are specified in the annual Labor-HHS-ED appropriations bill.) The multiemployer Special Financial Assistance Program established by the American Rescue Plan Act of 2021 (P.L. 117-2, §9704) is funded in that law by transfers from the General Fund of the Treasury that are deposited in a separate trust fund. With the exception of this program, all other activities of the PBGC are funded by its other trust funds, which comprise premium collections, the assets of terminated single-

employer trustee plans, and proceeds from trust fund investments. For more information, see CRS Report 95-118, *Pension Benefit Guaranty Corporation (PBGC): A Primer*.

Federal Role in Labor Standards

Minimum Wage (FLSA)

Overview

The Fair Labor Standards Act (FLSA), enacted in 1938, is the federal legislation that establishes the minimum hourly wage paid to all covered workers. FLSA's minimum wage provisions have been amended numerous times since 1938, typically to expand coverage or raise the wage rate. The most recent change was enacted in 2007 (P.L. 110-28), which increased the minimum wage to its current level of \$7.25 per hour.⁷

In addition to setting the federal minimum wage rate, the FLSA provides for exemptions and subminimum wage categories for certain classes of workers and types of work. Even with these exemptions, the FLSA minimum wage provisions still cover the vast majority of the workforce. The FLSA also created the Wage and Hour Division (WHD), within DOL, to administer and enforce the act.⁸

Laws

The principal federal law related to minimum wage is the Fair Labor Standards Act, Section 6, as amended, as codified in the *U.S. Code* at 29 U.S.C. §206.

Regulations

Most federal regulations related to the minimum wage appear in Title 29, Part 785 of the *Code of Federal Regulations*; see 29 C.F.R. §§531.1-531.60.

More Information

- CRS Report R43089, *The Federal Minimum Wage: In Brief*
- CRS Report R44667, *The Federal Minimum Wage: Indexation*
- CRS Report R43792, *State Minimum Wages: An Overview*
- CRS Report R44706, *State Minimum Wage Ballot Measures: In Brief*
- U.S. Department of Labor, Wage and Hour Division, Minimum Wage
- U.S. Department of Labor, Employment Law Guide, Wages and Hours Worked: Minimum Wage and Overtime Pay
- U.S. Department of Labor, Wage and Hour Division, Guidance: Questions and Answers About the Minimum Wage

⁷ Pursuant to the Fair Labor Standards Act (FLSA), state laws that provide stronger worker protections or more expansive benefits, such as a higher minimum wage, will supersede the federal law. Many states have minimum wage rates above the federal rate of \$7.25 per hour. For more information on state minimum wage rates, see CRS Report R43792, *State Minimum Wages: An Overview*.

⁸ This overview was adapted from CRS Report R43089, *The Federal Minimum Wage: In Brief*.

- U.S. Department of Labor, Wage and Hour Division, Minimum Wage Laws in the States

Overtime (FLSA)

Overview

The FLSA is the main federal legislation that establishes general wage and hour standards for most, but not all, private- and public-sector employees. Among other protections, the FLSA establishes that covered nonexempt employees must be compensated at one-and-a-half times their regular rate of pay for each hour worked over 40 hours in a workweek.

The FLSA also establishes certain exemptions from its general labor market standards. One of the major exemptions in the FLSA's overtime provisions is for bona fide "executive, administrative, and professional" employees (the "EAP" or "white collar" exemptions).⁹ The FLSA grants authority to the Secretary of Labor to define and delimit the EAP exemption "from time to time." To qualify for this exemption from the FLSA's overtime pay requirement, an employee must be salaried (the "salary basis" test); must perform specified executive, administrative, or professional duties (the "duties" test); and must earn above a salary level threshold (the "salary level" test). In addition, the FLSA provides overtime exemptions for general classes of workers (e.g., agricultural workers), more narrow exemptions (e.g., employees in motion picture theaters), and partial exemptions (e.g., firefighters).¹⁰

Laws

The principal federal law related to overtime is the Fair Labor Standards Act, Section 7, as amended, codified in the *U.S. Code* at 29 U.S.C. §207.

Regulations

Most federal regulations related to overtime appear in Title 29, Part 785 of the *Code of Federal Regulations*; see 29 C.F.R. §§785.1-785.50.

More Information

- CRS Report R45722, *Overtime Exemptions in the Fair Labor Standards Act for White-Collar Employees: Frequently Asked Questions*
- U.S. Department of Labor, Wage and Hour Division, Overtime Pay
- U.S. Department of Labor, Wage and Hour Division, Guidance: Questions and Answers about Overtime Pay
- U.S. Department of Labor, Employment Law Guide, Wages and Hours Worked: Minimum Wage and Overtime Pay

⁹ §13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bonafide executive, administrative, professional, and outside sales employees.

¹⁰ This overview was adapted from CRS Report R44138, *Overtime Provisions in the Fair Labor Standards Act (FLSA): Frequently Asked Questions*.

Child Labor (FLSA)

Overview

The FLSA defines and prohibits the employment of “oppressive child labor” in the United States. The act establishes a general minimum age of 16 years for employment in nonhazardous occupations and a minimum age of 18 years for employment in any occupation determined by the Secretary of Labor to be hazardous to the health or well-being of minors. However, children younger than 16 years of age may work, including in some hazardous forms of work, if certain conditions are met.¹¹

Labor requirements for agricultural and nonagricultural employment vary significantly. States also may impose more stringent requirements.¹²

Laws

Laws addressing oppressive child labor in the Fair Labor Standards Act are codified in several sections of the *U.S. Code* at 29 U.S.C. §203(l); 29 U.S.C. §212; and 29 U.S.C. §213(c).

Regulations

Most federal regulations related to child labor appear in Title 29, Part 570 of the *Code of Federal Regulations*; see 29 C.F.R. §§570.1-570.142.

More Information

- CRS Report R44548, *The Fair Labor Standards Act (FLSA) Child Labor Provisions*
- U.S. Department of Labor, Wage and Hour Division, Child Labor Overview
- U.S. Department of Labor, Wage and Hour Division, YouthRules! (Young Worker Toolkit)
- U.S. Department of Labor, Wage and Hour Division, Child Labor Bulletin No. 101 (occupational requirements for nonagricultural employment)
- U.S. Department of Labor, Wage and Hour Division, Child Labor Bulletin No. 102 (occupational and hours limitations for agricultural employment for minors)
- U.S. Department of Labor, Wage and Hour Division, State Child Labor Standards

¹¹ This overview was adapted from CRS Report R44548, *The Fair Labor Standards Act (FLSA) Child Labor Provisions*.

¹² All states have child labor laws, compulsory schooling requirements, and other laws that govern children’s employment and activities. Pursuant to the FLSA, state laws that impose more stringent worker protections will supersede the federal law.

Records and Reporting (FLSA)

Overview

The FLSA requires every covered employer to keep certain records for each covered and nonexempt worker.¹³ Although the FLSA does not require a particular form, the records must include employee information, including hours worked and wages. Required information also includes employee name, social security number, address, birth date (if younger than 19 years of age), sex, occupation, workweek schedule, total daily or weekly earnings, overtime earnings, total wages paid each pay period, date of payment, and the pay period covered by the payment.

Laws

The principal federal law related to employee record keeping is the Fair Labor Standards Act, Section 11, codified in the *U.S. Code* at 29 U.S.C. §211.

Regulations

Regulations related to record keeping under the FLSA appear in several sections of the *Code of Federal Regulations*, including 29 C.F.R. §§516.0-516.34 and 29 C.F.R. §§553.50-553.51.

More Information

- U.S. Department of Labor, Recordkeeping and Reporting
- U.S. Department of Labor, Wage and Hour Division, Fact Sheet 21: Recordkeeping Requirements under the Fair Labor Standards Act
- U.S. Department of Labor, Wage and Hour Division, Fact Sheet 79C: Recordkeeping Requirements for Individuals, Families, or Households Who Employ Domestic Service Workers Under the Fair Labor Standards Act

Family and Medical Leave (FMLA)

Overview

The Family and Medical Leave Act of 1993, as amended (FMLA; P.L. 103-3), entitles eligible employees to unpaid, job-protected leave for certain family and medical needs, with continuation of group health plan benefits. The FMLA requires that covered employers grant up to 12 workweeks in a 12-month period to eligible employees for one or more of the following reasons:

- the birth and care of the employee's newborn child;
- the placement of an adopted or fostered child with the employee;
- to care for a spouse, child, or parent with a serious health condition;
- the employee's own serious health condition; and
- qualified military exigencies.

¹³ DOL provides additional guidance on covered employers and exempt workers. For information on covered employers, see DOL, *Federal Labor Standards Act Advisor, Do I Have to Comply with FLSA?*. For information on exempt workers, see DOL, *Federal Labor Standards Act Advisor, Exemptions*.

FMLA also provides up to 26 workweeks of leave in a single 12-month period to eligible employees for the care of a covered military servicemember (including certain veterans) with a serious injury or illness that was sustained or aggravated in the line of duty while on active duty, if the eligible employee is the covered servicemember's spouse, child, parent, or next of kin. The combined use of FMLA leave for all qualifying reasons may not exceed 26 workweeks during this single 12-month period.¹⁴

The FY2020 NDAA (P.L. 116-92, as amended by the FY2021 William M. (Mac) Thornberry NDAA, P.L. 116-283) amended the Family and Medical Leave Act (FMLA; P.L. 103-3) to provide a paid parental leave benefit to most federal civil service employees.¹⁵ As amended, FMLA provides most federal employees with up to 12 weeks of paid parental leave following a qualifying birth of a child or placement of a child with an employee for adoption or foster care. The paid parental leave benefit must be used together with the employee's FMLA leave entitlement.

Laws

The Family and Medical Leave Act (FMLA), as amended, is codified in the *U.S. Code* at 29 U.S.C. §§2601-2654 and 5 U.S.C. §§6381-6387.

Regulation

Most federal regulations related to family and medical leave appear in the Code of Federal Regulations at 29 C.F.R. §§825.100-825.803 and 5 C.F.R. §§630.1201-630.1213.

More Information

- CRS In Focus IF10329, *The Family and Medical Leave Act (FMLA)*
- CRS Report R44274, *The Family and Medical Leave Act: An Overview of Title I*
- U.S. Department of Labor, Wage and Hour Division, Family and Medical Leave Act
- U.S. Department of Labor, Wage and Hour Division, Family and Medical Leave Act General Guidance
- U.S. Office of Personnel Management, Chief Human Capital Officers Council, Paid Parental Leave for Federal Employees Interim Regulations
- U.S. Equal Employment Opportunity Commission, Facts about Discrimination in Federal Government Employment Based on Marital Status, Political Affiliation, Status as a Parent, Sexual Orientation, and Gender Identity

¹⁴ This overview was adapted from CRS In Focus IF10329, *The Family and Medical Leave Act (FMLA)*.

¹⁵ In addition to administering FMLA benefits for federal employees, the federal government addresses discrimination issues for parents. The federal government prohibits employment discrimination against federal government employees on the basis of their "status as a parent" under Executive Order 13152, "Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government."

Prevailing Wages (Davis-Bacon Act; Walsh-Healey Act; Service Contract Act)

Overview

DOL enforces laws that provide labor standards protections for workers employed by private contractors in federal contract work. For example, the Davis-Bacon Act sets labor standards and prevailing wage rates for workers engaged in construction work for certain federal government contracts. The Walsh-Healey Public Contracts Act and the McNamara-O'Hara Service Contract Act deal with labor standards for workers engaged in contracts for production of goods and the provision of services, respectively.

Laws

The Davis-Bacon Act of 1931 is codified in the *U.S. Code* at 40 U.S.C. §§3141-3148. The Walsh-Healey Public Contracts Act of 1936 is codified in the *U.S. Code* at 41 U.S.C. §§6501-6511. The McNamara-O'Hara Service Contract Act of 1965 is codified in the *U.S. Code* at 41 U.S.C. §§6701-6707.

Regulations

Regulations for the Davis-Bacon Act appear in Title 29 of the *Code of Federal Regulations*:

- 29 C.F.R. §§1.1-1.9 (determining Davis-Bacon wage rates);
- 29 C.F.R. §§5.1-5.32 (labor standards determining federally financed construction contracts); and
- 29 C.F.R. §§6.1-6.57 (administrative procedures for enforcing federal financed construction contracts)

Regulations related to the Walsh-Healey Public Contracts Act appear in Title 41, Chapter 50 of the *Code of Federal Regulations* (41 C.F.R. §§50-201.1-50-210.1).

Regulations related to the McNamara-O'Hara Service Contract Act appear in Title 29 of the *Code of Federal Regulations* (29 C.F.R. §§4.1-4.12).

More Information

- CRS In Focus IF11927, *Federally Funded Construction and the Payment of Locally Prevailing Wages*
- CRS Report 94-408, *The Davis-Bacon Act: Institutional Evolution and Public Policy*
- U.S. Department of Labor, Wage and Hour Division, Davis-Bacon Overview
- U.S. Department of Labor, Wage and Hour Division, Service Contract Act Overview
- U.S. Department of Labor, Wage and Hour Division, Prevailing Wage Resource Book
- U.S. Department of Labor, Federal Contracts-Working Conditions: Prevailing Wages in Construction Contracts
- SAM.gov, Wage Determinations (wage determinations for DBA, SCA)

- SAM.gov, Wage Determinations: All Agency Memos
- U.S. Department of Labor, Wage and Hour Division, U.S. Fact Sheet 66, Davis-Bacon
- U.S. Department of Labor, Wage and Hour Division, Fact Sheet 67, Service Contract Act

Federal Support for Workforce Development and Employment Services

Workforce Innovation and Opportunity Act

Enacted in July 2014, the Workforce Innovation and Opportunity Act (WIOA; P.L. 113-128) is the primary federal workforce development legislation.¹⁶ WIOA authorizes grant programs and state systems to coordinate funding streams to meet local labor market needs. Key innovations of WIOA included unifying six “core” state grant programs under a single planning structure and performance accountability system. WIOA authorized appropriations for FY2015 through FY2020. Since FY2021, the systems and programs authorized by WIOA have continued to be funded through the annual appropriations process.

Workforce development programs provide a combination of education, training, and career services to prepare individuals for work and to help them improve their prospects in the labor market. Allowable uses of funds include activities such as job search assistance, career counseling, occupational skill training, classroom training, or on-the-job training, with an emphasis on preparing workers for locally in-demand industries and occupations. The federal government supports workforce development activities through WIOA’s programs and other programs designed to increase the employment and earnings of workers. WIOA includes various titles that authorize DOL and ED to provide certain workforce development services.¹⁷

Adult and Dislocated Worker Activities

WIOA Title I authorizes DOL, Employment and Training Administration (ETA), to administer state formula workforce development grant programs for adult and dislocated worker activities. Under the Adult program, DOL provides formula funds to state workforce boards, who in turn fund local workforce boards. These local boards appoint one-stop operators who assist workers in obtaining employment by providing job search assistance and core training opportunities.¹⁸ Under the Dislocated Worker program, DOL provides formula funds to state workforce boards to assist workers who involuntarily lost their jobs and demonstrate some level of attachment to the labor force. WIOA also funds a competitive component for National Dislocated Worker Grants (DWGs). These competitive grants are awarded to state workforce agencies and other entities to respond to large, unexpected layoff events.

¹⁶ Workforce Innovation and Opportunity Act (WIOA) succeeded the Workforce Investment Act of 1998. For a brief history of federal workforce development legislation, see CRS Report R44252, *The Workforce Innovation and Opportunity Act and the One-Stop Delivery System*.

¹⁷ This report focuses on the training programs authorized by WIOA under Title I.

¹⁸ As directed by the WIOA, One Stop Operators, or One Stop Career Centers, provide employment and training related services to workers.

Youth Programs

WIOA Title I also authorizes DOL to administer four youth employment and training programs, including

- State Formula Grants for Youth Activities,
- Job Corps, and
- YouthBuild.

Similarly to the Adult and Dislocated Worker programs, DOL provides youth activities funding to state workforce boards, who in turn provide funding to local workforce boards. Under Job Corps, DOL enters into contracts with organizations to assist youth in connecting to the labor force through intensive training at local residential centers located throughout the country. YouthBuild competitively funds community-based organizations, faith-based organizations, and local workforce boards to assist disadvantaged youth in obtaining education, employment, and leadership skills. The YouthBuild program provides intensive training in construction and other in-demand trades.

Laws

- The Workforce Innovation and Opportunity Act, Title I is codified in the *U.S. Code* at 29 U.S.C. §§3101-3361.
- The Adult Education and Family and Literacy Act (WIOA Title II) is codified in the *U.S. Code* at 29 U.S.C. §§3271-3333.
- The Wagner-Peyser Act (WIOA Title III) is codified in the *U.S. Code* at 29 U.S.C. §§49-49n.
- The Rehabilitation Act of 1973 (WIOA Title IV) is codified in the *U.S. Code* at 29 U.S.C. §§701-976l.
- WIOA General Provisions (WIOA Title V) is codified in the *U.S. Code* at 29 U.S.C. §§3341-3344.

Regulations

- Regulations for workforce development activities under the Workforce Innovation and Opportunity Act (WIOA Title I) appear throughout Title 29 of the *Code of Federal Regulations* (29 C.F.R. §§675-688).
- Regulations for adult education under the Adult Education and Family and Literacy Act (WIOA Title II) appear in Title 34 of the *Code of Federal Regulations* (34 C.F.R. §§462-463).
- Regulations for the employment service under the Wagner-Peyser Act (WIOA Title III) appear in Title 20 of the *Code of Federal Regulations* (20 C.F.R. §§651-654).
- Regulations for vocational rehabilitation under the Rehabilitation Act (WIOA Title IV) appear in Title 34, Chapter III of the *Code of Federal Regulations* (34 C.F.R. §§361; 371; and 373).

More Information

- CRS Report R44252, *The Workforce Innovation and Opportunity Act and the One-Stop Delivery System*

- CRS Report R43789, *Adult Education and Family Literacy Act: Major Statutory Provisions*
- CRS Report R43855, *Rehabilitation Act: Vocational Rehabilitation State Grants*
- U.S. Department of Labor, Employment and Training Administration, Workforce Innovation and Opportunity Act Website
- U.S. Department of Labor, Employment and Training Administration, WIOA Performance Guidance (Training and Employment Guidance Letters [TEGLS] and Training and Employment Notices [TENS])
- U.S. Department of Labor, Employment and Training Administration, WIOA Performance Reporting
- U.S. Department of Labor, Employment and Training Administration, WIOA State Planning
- U.S. Department of Education, WIOA State Plans Portal
- U.S. Department of Education, Rehabilitation Services Administration, State Vocational Rehabilitation Services Program
- U.S. Department of Education, Office of Career, Technical, and Adult Education, Adult Education and Literacy
- U.S. Department of Labor, Employment and Training Administration, American Job Centers (Wagner-Peyser/Employment Service)

Apprenticeship Programs

Overview

The National Apprenticeship Act of 1937 authorized the federal government to support apprenticeships by establishing the registered apprenticeship system. DOL's Office of Apprenticeship (OA) or a DOL-recognized state apprenticeship agency (SAA) is responsible for evaluating apprenticeship programs to determine whether they comply with federal regulations related to program design, worker protections, and other criteria. Programs that are in compliance are "registered." Although registration does not trigger any specific federal financial incentives, registered programs may receive preferential consideration in various federal systems and apprentices who complete a registered program receive a nationally recognized credential.¹⁹

Historically, dedicated federal support for apprenticeship programs has been limited to appropriations for OA to operate the registered apprenticeship system. Since FY2016, the federal government supplemented its typical registration activities with competitive grants to support the expansion of registered apprenticeship as a workforce development strategy. These grants have gone predominantly to states and other intermediaries to support apprenticeship expansion through partnerships with apprenticeship sponsors. Appropriations laws for DOL authorize these competitive grants, and DOL establishes the specific parameters of the program in grant solicitations.²⁰

¹⁹ Although registered apprenticeship sponsors do not necessarily qualify for federal funding, several education and workforce programs have identified apprenticeship as an eligible use of funds. For example, veterans may qualify to receive GI Bill benefits while participating in a registered apprenticeship and registered apprenticeships are eligible for federal workforce development funds through the WIOA.

²⁰ For more information, see DOL, *Apprenticeship, Open Funding Opportunities*; and CRS Report R45171, *Registered Apprenticeship: Federal Role and Recent Federal Efforts*.

Laws

The principal federal law related to apprenticeship registration activities is the National Apprenticeship Act of 1937 codified in the *U.S. Code* at 29 U.S.C. §§50-50c.

Regulations

Regulations for the Registration of Apprenticeship Programs appear in Title 29, Part 29 of the *Code of Federal Regulations* at 29 C.F.R. §§29.1-29.14.

More Information

- CRS Report R45171, *Registered Apprenticeship: Federal Role and Recent Federal Efforts*
- U.S. Department of Labor, Apprenticeship.gov
- U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Circular No. 2022-02, Guidance: National Guidelines for Apprenticeship Standards

Work Opportunity Tax Credit

Overview

The Work Opportunity Tax Credit (WOTC) is an Internal Revenue Code provision that allows employers who hire individuals with certain personal characteristics to claim a tax credit equal to a portion of the wages paid to those individuals. WOTC-eligible populations include some recipients of certain public benefits (e.g., the Supplemental Nutrition Assistance Program or Temporary Assistance to Needy Families), qualified veterans, ex-felons, and other specified populations.²¹

Laws

WOTC is codified in the *U.S. Code* at 26 U.S.C. §§51-52.

Regulations

Regulations relating to general provisions of employment taxes, including treatment of tax credits, appear in the *Code of Federal Regulations* at 26 C.F.R. §31.3511-1.

More Information

- CRS Report R43729, *The Work Opportunity Tax Credit*
- U.S. Department of Labor, Employment and Training Administration, Work Opportunity Tax Credit website
- Internal Revenue Service, Work Opportunity Tax Credit website
- U.S. Department of Labor, Employment and Training Administration, Work Opportunity Tax Credit Desk Aid

²¹ This overview was adapted from CRS Report R43729, *The Work Opportunity Tax Credit*.

- U.S. Department of Labor, ETA Handbook No. 408: for the Work Opportunity Tax Credit Program and the Welfare-to-Work Tax Credit

Federal Support for Worker Safety and Health

Occupational and Mine Safety and Health

Occupational Safety and Health

The Occupational Safety and Health Act, as amended, established the Occupational Safety and Health Administration under DOL, which is authorized to promulgate, investigate, and enforce health and safety standards for workplaces. The act covers most private-sector employers and their workers, in addition to some public-sector employers and workers in states, territories and jurisdictions under federal authority.²²

Mine Safety and Health

The Mine Safety and Health Act, as amended, authorizes the DOL, Mine Safety and Health Administration (MSHA) to promote and enforce safety and health standards for the mining industry. MSHA develops and enforces safety and health rules for U.S. mines, including conducting underground and surface mine inspections and providing mine rescue teams for underground mines. MSHA also provides education and other technical assistance to mine operators.

Laws

- The Occupational Safety and Health Act, as amended, is codified in the *U.S. Code* at 29 U.S.C. §§651-678.
- The Mine Safety and Health Act, as amended, is codified in the *U.S. Code* at 30 U.S.C. §§801-966.

Regulations

- Federal regulations related to occupational safety and health appear in the *Code of Federal Regulations* at 29 C.F.R. §§1902-1990.
- Mine safety and health regulations appear in the *Code of Federal Regulations* at 30 C.F.R. §§1.1-104.4.

More Information

- CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*
- CRS Insight IN11701, *Occupational Safety and Health Administration (OSHA) Regulation of Employee Exposure to Heat*

²² The Occupational Safety and Health Administration (OSHA) also approves individual state plans on occupational safety and health. For more information, see the OSHA website. According to OSHA, jurisdictions include the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Northern Mariana Islands, Wake Island, Johnston Island, and the Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act.

- U.S. Department of Labor, Occupational Safety and Health Administration website
- U.S. Department of Labor, Mine Safety and Health Administration website
- U.S. Department of Labor, Mine Safety and Health Administration, Mine Safety and Health Deskbook (includes text of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended through April 2016)
- U.S. Department of Labor, Mine Safety and Health Administration, Legislative History of the Mine Improvement and New Emergency Response (MINER) Act of 2006, the Federal Mine Safety and Health Act of 1977, and the Federal Coal Mine Health and Safety Act of 1969

Workers' Compensation

Workers' compensation provides cash and medical benefits to workers who are injured or become ill in the course of their employment and provides benefits to the survivors of workers killed on the job. Workers' compensation benefits are provided without regard to fault and are the exclusive remedy for workplace injuries, illnesses, and deaths. A network of state programs provide workers' compensation benefits, with the exception of federal employees and some small groups of private-sector employees covered by federal law.

Nearly all workers in the United States are covered by workers' compensation. Although states are not required to have workers' compensation programs, all do. DOL does not have any oversight role in state workers' compensation. In general, employers purchase insurance to provide for workers' compensation benefits.²³

Workers' Compensation for Federal Employees

Federal laws on workers' compensation are limited to federal employees and small groups of private-sector employees. The Federal Employees' Compensation Act (FECA) provides federal employees' workers' compensation coverage for employment-related injuries and occupational diseases.

Workers' Compensation for Longshore and Harbor Workers

The Longshore and Harbor Workers' Compensation Act (LHWCA) covers selected workers in maritime occupations, such as longshore workers and shipbuilding and repair. It also applies to overseas military and public works contractors hired by the U.S. government; workers on the outercontinental shelf; and employees of non-appropriated-funds instrumentalities such as military exchanges. Firms that employ these workers are required to purchase workers' compensation or self-insure and are responsible for providing medical and disability benefits to covered workers who are injured or become ill on the job and survivors' benefits to the families of covered workers who die on the job.

Black Lung Program

The Federal Black Lungs Benefits Act created the Black Lung Program to provide compensation to coal miners totally disabled by pneumoconiosis and to survivors of coal miners whose deaths are attributable to the disease. The miner's last coal employer is responsible for paying these

²³ This overview was adapted from CRS Report R44580, *Workers' Compensation: Overview and Issues*.

benefits, unless such employer cannot pay, in which case a federal trust fund, financed by an excise tax on coal, pays benefits. The Benefits Review Board reviews and issues decisions on appeals of workers' compensation claims arising under LHWCA and the Black Lung Benefits Act.

Special Benefit Programs

The Energy Employees Occupational Illness Compensation Program Act provides workers' compensation and coverage for injuries and occupational diseases for select energy workers. Additionally, the Radiation Exposure Compensation Act provides a one-time benefit payment to persons who develop cancer or other diseases after being exposed to radiation from atomic weapons testing or uranium mining, milling, or transporting.

Laws

- The Federal Employees' Compensation Act program is codified in the *U.S. Code* at 5 U.S.C. §§8101-8152.
- The Longshore and Harbor Workers' Compensation Act (LHWCA) is codified in the *U.S. Code* at 33 U.S.C. §§901-950.
- The Energy Employees Occupational Illness Compensation Program Act is codified in the *U.S. Code* at 42 U.S.C. §§7384-7385j-2.
- The Radiation Exposure Compensation Act is codified in the *U.S. Code* at 42 U.S.C. §2210 note.

Regulations

- Regulations for the Federal Employees' Compensation Act appear in the *U.S. Code of Regulations* at 20 C.F.R. §§10.0-10.916 and 25 C.F.R. §§25.1-25.203.
- Regulations for the Office of Workers' Compensation Programs appear in the *Code of Federal Regulation* at 20 C.F.R. Part 1-72; 20 C.F.R. Part 501.
- Regulations for the Energy Employees Occupational Illness Compensation Program appear in the *Code of Federal Regulations* at 20 C.F.R. §§30.0-30.912.
- Regulations for the Employees' Compensation Appeals Board appear in the *Code of Federal Regulations* at 20 C.F.R. Part 701-799.
- Regulations for the Benefit Review Board appear in the *Code of Federal Regulations* at 20 C.F.R. §§801.1-802.411.

More Information

- CRS Report R44580, *Workers' Compensation: Overview and Issues*
- CRS In Focus IF10308, *Workers' Compensation: Overview and Issues*
- CRS Video WVB00014, *Introduction to Workers' Compensation*
- CRS Report R41506, *The Longshore and Harbor Workers' Compensation Act (LHWCA): Overview of Workers' Compensation for Certain Private-Sector Maritime Workers*
- CRS Report R42107, *The Federal Employees' Compensation Act (FECA): Workers' Compensation for Federal Employees*

- CRS Report R43956, *The Radiation Exposure Compensation Act (RECA): Compensation Related to Exposure to Radiation from Atomic Weapons Testing and Uranium Mining*
- CRS Report R46476, *The Energy Employees Occupational Illness Compensation Program Act (EEOICPA)*
- CRS Report R45261, *The Black Lung Program, the Black Lung Disability Trust Fund, and the Excise Tax on Coal*
- U.S. Department of Labor, Office of Workers' Compensation Programs
- U.S. Department of Labor, Division of Federal Employees' Compensation

Whistleblower Protections

Overview

The Occupational Safety and Health Administration Whistleblower Protection Program enforces provisions of more than 20 federal laws protecting employees from retaliation for raising concerns or reporting workplace safety hazards and/or violations.²⁴ These OSHA-enforced whistleblower laws include statutes in various workplace safety and health areas, such as aviation safety, motor vehicle safety, commercial motor carriers, financial reform, consumer products, environmental statutes, food safety, nuclear statutes, pipeline statutes, public transportation agencies, railroads, and maritime statutes. Employees who believe their employers retaliated against them for protected whistleblowing activities should contact OSHA to file a complaint.

Laws

Federal statutes enforcing whistleblower activities appear throughout the *U.S. Code*. OSHA compiles a complete list of whistleblower statutes and citations.

Regulations

Federal regulations enforcing whistleblower activities appear throughout the *Code of Federal Regulations*. OSHA compiles a complete list of whistleblower regulations and citations.

More Information

- CRS Report R46979, *Compilation of Federal Whistleblower Protection Statutes*
- U.S. Department of Labor, Occupational Safety and Health Administration, Whistleblower Statutes Summary Chart
- U.S. Department of Labor, Occupational Safety and Health Administration, Whistleblower FAQs
- U.S. Department of Labor, Occupational Safety and Health Administration, Whistleblowers Fact Sheets

²⁴ The OSHA Whistleblower Protection Program provides a list of Whistleblower Statutes at <https://www.whistleblowers.gov/statutes>.

Federal Role in Income Support for Workers

Unemployment Insurance (UI)

Regular Unemployment Compensation

Created by the Social Security Act of 1935 (P.L. 74-271), the joint Federal-State Unemployment Compensation (UC) program provides temporary unemployment benefits to eligible workers who are unemployed through no fault of their own. Eligibility requirements and program administration are determined by state law.²⁵ States administer UC benefits with broad federal oversight. DOL provides information on various federal UC laws, regulations, and guidance impacting unemployment compensation. DOL also publishes information on state programs including a Comparison of State UI Laws, Significant Provisions of State UI Laws, and Report on State Legislation.

Other Federal UI Programs

Former federal workers may be eligible for unemployment benefits through the Unemployment Compensation for Federal Employees (UCFE) program. Former U.S. military servicemembers may be eligible for unemployment benefits through the Unemployment Compensation for Ex-Servicemembers (UCX) program.²⁶

The Disaster Unemployment Assistance (DUA) program provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted because of a major disaster (and who are not eligible for regular UC benefits).²⁷

The Self-Employment Assistance (SEA) program offers dislocated workers a SEA allowance, instead of regular UC benefits, to help unemployed individuals who are establishing a business. This voluntary program is administered by select states.²⁸

In response to economic recessions, the federal government sometimes augments the regular UC program with both the permanent Extended Benefits (EB) program and additional temporary or extended unemployment benefits. For example, the now-expired Coronavirus Aid, Relief, and Economic Security (CARES) Act temporarily expanded unemployment insurance for many workers affected by the COVID-19 pandemic.²⁹

UC Financing

Regular UC benefits are financed by federal taxes under the Federal Unemployment Tax Act (FUTA) and by state payroll taxes under the State Unemployment Tax Acts (SUTA). These

²⁵ According to CRS In Focus IF10336, *The Fundamentals of Unemployment Compensation*, there are 53 different unemployment compensation (UC) programs operated in the states, the District of Columbia, Puerto Rico, and the Virgin Islands. The District of Columbia, Puerto Rico, and the Virgin Islands are considered to be states in UC law.

²⁶ This overview was adapted from CRS Report RS22440, *Unemployment Compensation (Insurance) and Military Service*.

²⁷ For more information, see CRS Report RS22022, *Disaster Unemployment Assistance (DUA)*.

²⁸ For more information, see CRS Report R41253, *The Self-Employment Assistance (SEA) Program*.

²⁹ For more information, see CRS Report R46687, *Unemployment Insurance (UI) Benefits: Permanent-Law Programs and the COVID-19 Pandemic Response*.

revenues are deposited into the appropriate account within the federal Unemployment Trust Fund (UTF). SUTA finances regular UC benefits and the state share (50%) of the EB program. FUTA finances federal and state administrative expenses, the federal share (50%) of EB program, and advances to states whose UTF account balances are low or exhausted.³⁰

Laws

- The Federal Unemployment Tax Act (FUTA) is codified in the *U.S. Code* at 26 U.S.C. §§3301-3311.
- Grants to States for Unemployment Compensation Administration, under the Social Security Act (SSA) Title III, is codified in the *U.S. Code* at 26 U.S.C. §§501-506.
- Employment Security Administrative Funding, under SSA, Title IX, is codified in the *U.S. Code* at 42 U.S.C. §§1101-1111.
- Advances to State Unemployment Funds, under SSA, Title XII is codified in the *U.S. Code* at 42 U.S.C. §§1321-1324.
- The Unemployment Compensation for Federal Employees program is codified in the *U.S. Code* at 5 U.S.C. §§8501-8509.
- The Unemployment Compensation for Ex-Servicemembers is codified in the *U.S. Code* at 5 U.S.C. §§8521-8525.
- The Extended Benefits program authorized by the Federal-State Extended Unemployment Compensation Act of 1970 is codified in the *U.S. Code* at 26 U.S.C. §3304 Note.
- Disaster Unemployment Assistance is codified in the *U.S. Code* at 42 U.S.C. §5177.
- The Self-Employment Assistance program is codified in the *U.S. Code* at 26 U.S.C. §3304 Note.

Regulations

Regulations related to unemployment compensation appear in multiple sections of Title 20, *Code of Federal Regulations*, including 20 C.F.R. §§601-604, 606, 609, 614, 615, 616, 619, 625, 640, and 650).³¹

More Information

- CRS In Focus IF10336, *The Fundamentals of Unemployment Compensation*
- CRS Report R44527, *Unemployment Compensation: The Fundamentals of the Federal Unemployment Tax (FUTA)*
- CRS Report RS22077, *Unemployment Compensation (UC) and the Unemployment Trust Fund (UTF): Funding UC Benefits*
- CRS Report R46687, *Unemployment Insurance (UI) Benefits: Permanent-Law Programs and the COVID-19 Pandemic Response*

³⁰ For more information, see CRS Report RS22954, *The Unemployment Trust Fund (UTF): State Insolvency and Federal Loans to States*.

³¹ DOL provides a complete list of federal regulations related to unemployment compensation. See <https://oui.doleta.gov/unemploy/laws.asp>.

- CRS Report RL33362, *Unemployment Insurance: Programs and Benefits*
- U.S. Department of Labor, Employment Training and Administration, Unemployment Insurance website
- U.S. Department of Labor, Employment Training and Administration, Unemployment Insurance Laws, Regulations, and Guidance

Work Sharing and Short-Time Compensation

Overview

Short-time compensation (STC) is a program within the federal-state unemployment insurance system. In states that have STC programs, workers whose hours are reduced under a formal work sharing plan may be compensated with STC, which is a regular unemployment benefit that has been pro-rated for the partial work reduction.

Although the terms *work sharing* and *short-time compensation* are sometimes used interchangeably, *work sharing* refers to any arrangement under which workers' hours are reduced in lieu of a layoff. Under a work sharing arrangement, a firm faced with the need to downsize temporarily chooses to reduce work hours across the board for all workers instead of laying off a smaller number of workers. For example, an employer might reduce the work hours of the entire workforce by 20%, from five to four days a week, in lieu of laying off 20% of the workforce.³²

Laws

Federal statutes governing short-time compensation appear in the *U.S. Code* at 26 U.S.C. §3304, 26 U.S.C. §3306, and 42 U.S.C. §503.

Regulations

Regulations regarding work sharing or short-time compensation are found in the *Code of Federal Regulations* at 20 C.F.R. §§604.1-604.6 and 20 C.F.R. §§682.100-682.370.

More Information

- CRS Report R40689, *Compensated Work Sharing Arrangements (Short-Time Compensation) as an Alternative to Layoffs*
- U.S. Department of Labor, Employment Training and Administration, Short-Time Compensation

Protections for Employee Benefits

Overview

Through the Employee Benefits Security Administration (EBSA), DOL ensures compliance with the Employee Retirement Income Security Act (ERISA), which regulates employers who offer pension or welfare benefit plans to employees. EBSA also audits the federal employees' Thrift Savings Plan (TSP). Relatedly, the Pension Benefit Guarantee Corporation (PBGC), which was

³² This overview was adapted from CRS Report R40689, *Compensated Work Sharing Arrangements (Short-Time Compensation) as an Alternative to Layoffs*.

established by ERISA, pays benefits to participants in private-sector defined benefit pension plans when those companies are unable to pay benefits. Although PBGC's operations are financed by insurance premiums of these participating pension plans, Congress sets the insurance premiums.

Laws

The labor laws related to the Employee Retirement Income Security Act of 1974 are codified in the *U.S. Code* at 29 U.S.C. §§1001-1461.³³

The entire ERISA, as amended, is also available in a compilation from govinfo.gov.

Regulations

Labor regulations relating to the Employee Benefits Security Administration, including requirements related to the Employee Retirement Income Security Act of 1974, appear in the *Code of Federal Regulations* at 29 C.F.R. §§2509-2590.

Regulations relating to the Pension Benefit Guaranty Corporation appear in the *Code of Federal Regulations* at 29 C.F.R. §§4000-4907.

More Information

- CRS In Focus IF10686, *DOL's 2016 Fiduciary Rule on Investment Advice*
- CRS Report R44884, *Department of Labor's 2016 Fiduciary Rule: Background and Issues*
- CRS In Focus IF12328, *Department of Labor Guidance and Regulations on Selecting Private-Sector Pension Plan Investments*
- CRS In Focus IF12362, *Department of Labor Guidance and Regulations on the Exercise of Shareholder Rights by Private-Sector Pension Plans*
- CRS Report 95-118, *Pension Benefit Guaranty Corporation (PBGC): A Primer*
- CRS Report R47119, *Pensions and Individual Retirement Accounts (IRAs): An Overview*
- CRS In Focus IF11765, *Special Financial Assistance to Multiemployer Plans*
- CRS Report R43305, *Multiemployer Defined Benefit (DB) Pension Plans: A Primer*
- CRS Report R46366, *Single-Employer Defined Benefit Pension Plans: Funding Relief and Modifications to Funding Rules*
- CRS In Focus IF10492, *An Overview of the Pension Benefit Guaranty Corporation (PBGC)*
- CRS In Focus IF12065, *Using Retirement Account Features for Short-Term Savings*
- CRS In Focus IF12110, *Thrift Savings Plan: Investment Issues*
- CRS Report RL30387, *Federal Employees' Retirement System: The Role of the Thrift Savings Plan*

³³ Some provisions of ERISA also appear in the Tax Code in Title 26.

- U.S. Department of Labor, Employee Benefits Security Administration, Laws and Regulations
- U.S. Department of Labor, Employee Benefits Security Administration, Retirement Benefits
- U.S. Department of Labor, Employee Benefits Security Administration, Thrift Savings Plan Audit Reports
- Pension Benefit Guaranty Corporation, Legal Resources (Laws and Regulations)

Federal Role in Labor Relations and Labor Unions

National Labor Relations Act (Private-Sector Employees)

Overview

The National Labor Relations Act of 1935 (NLRA) recognizes the right of private-sector employees to join or form a labor union and to bargain collectively over wages, hours, and other working conditions. To administer and enforce the act, the NLRA established the National Labor Relations Board (NLRB). The NLRB oversees the petition process, the process by which employees decide whether to be represented by a labor union. The NLRB also investigates and adjudicates labor law disputes, including complaints of unfair labor practices (ULPs), and contract disputes.³⁴

Laws

The National Labor Relations Act of 1935 is codified in the *U.S. Code* at 29 U.S.C. §§151-169.

Regulations

Regulations relating to the National Labor Relations Act and the National Labor Relations Board appear in the *Code of Federal Regulations* at 29 C.F.R. §§100.101-103.100.

More Information

- CRS Report R42526, *Federal Labor Relations Statutes: An Overview*
- CRS Legal Sidebar LSB10912, *Supreme Court Considers Preemption Under the National Labor Relations Act*
- CRS Report R46765, *Worker Classification: Employee Status Under the National Labor Relations Act, the Fair Labor Standards Act, and the ABC Test*
- National Labor Relations Board, *Basic Guide to the National Labor Relations Act*
- National Labor Relations Board, *Guidance*
- National Labor Relations Board, *Key Reference Materials*

³⁴ This overview was adapted from the CRS Report R42526, *Federal Labor Relations Statutes: An Overview*.

Railway Labor Act (Rail and Airline Employees)

Overview

Under the Railway Labor Act of 1926 (RLA), employees of railway and airline industries are guaranteed the right to organize and bargain collectively with their employers over conditions of work and given protections from unfair employer and union practices. The RLA established the National Mediation Board (NMB) and the National Railroad Adjustment Board (NRAB) to facilitate labor-management relations within the railway and airline industries. The NRAB, which is an adjudicatory board, has primary jurisdiction over minor disputes growing out of grievances or out of the interpretation or application of agreements between rail labor unions and carriers. In contrast, for major disputes concerning changes in rates of pay, rules, or working conditions and “[a]ny other dispute not referable to the [NRAB],” there are lengthy requirements of bargaining and mediation between labor unions and railway carriers before the NMB.³⁵

Laws

The Railway Labor Act is codified in the *U.S. Code* at 45 U.S.C. §§151-188.

Regulations

Regulations relating to the Railway Labor Act and the National Mediation Board appear in the *Code of Federal Regulations* at 29 C.F.R. §§1201.1-1209.10.

More Information

- CRS Legal Sidebar LSB10861, *The Railway Labor Act and Congressional Action*
- National Mediation Board, *Mediation Overview and FAQ*
- National Mediation Board, *Agency Determinations*

Federal Service Labor-Management Relations Statute (Federal Employees)

Overview

The Federal Service Labor-Management Relations Statute (FSLMRS), as added under Title VII of the Civil Service Reform Act of 1978, extended collective bargaining rights to most employees of the federal government. The basic framework of the FSLMRS is similar to that of the NLRA; however, employee rights are more restricted under the FSLMRS, given the unique nature of their employer, the federal government. Federal employees have the right to organize and bargain collectively, but they do not have the legal right to strike. Most federal employees cannot bargain over wages or benefits. Additionally, the President can exclude a federal agency or subdivision from coverage if the organization’s primary work concerns national security.

The Federal Labor Relations Authority (FLRA) administers and enforces the FSLMRS. The FLRA is authorized to investigate and adjudicate organizing and collective bargaining disputes,

³⁵ This overview was adapted from the CRS Legal Sidebar LSB10861, *The Railway Labor Act and Congressional Action*.

unfair labor practices, and contract disputes. The Federal Mediation and Conciliation Service (FMCS) is an independent agency that provides voluntary mediation services to parties who cannot resolve a bargaining dispute. The Federal Service Impasses Panel (FSIP) is an entity within the FLRA that provides additional assistance in resolving disputes if FMCS services cannot resolve the dispute or if the parties specifically request FSIP's services.

Laws

- Federal Service Labor-Management Relations Statute appears in the *U.S. Code* at 5 U.S.C. §§7101-7135.
- The Federal Labor Relations Authority appears in the *U.S. Code* at 5 U.S.C. §§7104-7106.
- The Federal Service Impasses Panel appears in the *U.S. Code* at 29 U.S.C. §7119.
- The Federal Mediation and Conciliation Service appears in the *U.S. Code* at 29 U.S.C. §172.

Regulations

- Regulations related to the Federal Labor Relations Authority appear in the *Code of Federal Regulations* at 5 C.F.R. §§2411-2430.
- Regulations related to the Federal Service Impasses Panel appear in the *Code of Federal Regulations* at 5 C.F.R. §§2470-2473.
- Regulations related to the Federal Mediation and Conciliation Service appear in the *Code of Federal Regulations* at 29 C.F.R. §§1400-1472.

More Information

- CRS Report R42526, *Federal Labor Relations Statutes: An Overview*
- CRS Report R44794, *Collective Bargaining and the Federal Service Labor-Management Relations Statute: Selected Legal Issues*
- U.S. Federal Labor Relations Authority, *The Federal Service Labor-Management Relations Statute*

Federal Enforcement of Worker Discrimination Protections

Civil Rights Act (Title VII) (Race, Color, Religion, Sex, or National Origin)

Overview

Beginning in the 1960s, Congress passed legislation to protect various classes of individuals who have historically received unequal treatment in the workplace. Title VII of the Civil Rights Act 1964 prohibits discrimination in employment based on race, color, religion, sex, pregnancy, or national origin. Title VII of the Civil Rights Act also prohibits retaliation against a person based on a discrimination complaint, charge, investigation, or lawsuit. The law also requires employers to accommodate applicants' and employees' religious practices. In general, Title VII applies to

employers with at least 15 employees. The Equal Employment Opportunity Commission (EEOC) is authorized to enforce the Civil Rights Act by investigating discrimination charges and provide guidance to employers for all types of work situations, including areas of discrimination or employment harassment. Penalties for noncompliance or intentional discrimination include potential compensatory or punitive damages. In addition to headquarters in Washington, DC, the EEOC has 53 field offices to investigate complaints. Many states also address employment discrimination and often extend employment protections for individuals beyond the federal statute.

The Congressional Accountability Act of 1995 Reform Act makes certain labor and antidiscrimination protections applicable to the legislative branch, including Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1967 (ADEA), and the Fair Labor Standards Act of 1938 (FLSA), among others.³⁶

Laws

Title VII of the Civil Rights Act of 1964 is codified in the *U.S. Code* at 42 U.S.C. §§2000e-2000e-17.

The Congressional Accountability Act of 1995 Reform Act is codified in the *U.S. Code* at 2 U.S.C. §§1301-1438.

Regulations

Most federal regulations related to the Title VII of the Civil Rights Act appear in Title 29, Parts 1604 and 1608 of the *Code of Federal Regulations* (29 C.F.R. §§1604.1-1604.11; 29 C.F.R. §§1608.1-1608.12).

Regulations related to the implementation of the Congressional Accountability Act appear in Title 29, Part 457 of the *Code of Federal Regulations* (29 C.F.R. §§457).

More Information

- CRS Report R46534, *The Civil Rights Act of 1964: An Overview*
- CRS In Focus IF11705, *The Civil Rights Act of 1964: Eleven Titles at a Glance*
- CRS Report R45155, *Sexual Harassment and Title VII: Selected Legal Issues*
- CRS Legal Sidebar LSB10496, *Supreme Court Rules Title VII Bars Discrimination Against Gay and Transgender Employees: Potential Implications*
- CRS Report R46821, *Pregnancy and Labor: An Overview of Federal Laws Protecting Pregnant Workers*
- U.S. Equal Employment Opportunity Commission, *Laws and Guidance*
- U.S. Equal Employment Opportunity Commission, *Federal Sector*
- National Conference of State Legislatures, *Discrimination and Workplace Harassment*
- U.S. Department of Labor, Civil Rights Center, *Statutes and Regulations*

³⁶ For more information, see CRS Legal Sidebar LSB10384, *The Congressional Accountability Act of 1995 Reform Act: An Overview*.

Equal Pay

Overview

Congress first addressed the persistence of gender-based wage disparities in the Equal Pay Act of 1963, by mandating an “equal pay for equal work” standard. The Equal Pay Act made it illegal for employers to pay women lower wages than men for jobs with equal skill, effort, or responsibility. Congress addressed pay or wage gaps again in Title VII of the Civil Rights Act of 1964, by allowing individuals to file for pay discrimination claims.³⁷ The Lilly Ledbetter Fair Pay Act of 2009 amended Title VII to clarify that the time limit for suing employers for pay discrimination begins each time they issue a paycheck and is not limited to the original discriminatory action. Collection of compensation data and elimination of male/female pay disparities are also integral to Department of Labor enforcement of Executive Order 11246 (initially issued by President Lyndon Johnson), which mandates nondiscrimination and affirmative action by federal contractors.³⁸

Laws

- The Equal Pay Act is codified in the *U.S. Code* at 29 U.S.C. §206.
- Title VII of the Civil Rights Act of 1964 is codified in the *U.S. Code* at 42 U.S.C. §§2000e-2000e-17.

Regulations

Most federal regulations related to the Equal Pay Act appear in Title 29, Part 1620 and 1621 of the *Code of Federal Regulations* (29 C.F.R. §§1620.1-1620.343; 29 C.F.R. §§1621.1-1621.4).

More Information

- CRS In Focus IF10414, The Gender Earnings Gap
- U.S. Department of Labor, Office of Federal Contract Compliance Programs, Executive Order 11246: Equal Employment Opportunity
- U.S. Employment Opportunity Commission, Equal Pay/Compensation Discrimination
- U.S. Employment Opportunity Commission, Questions and Answers About the Equal Pay Act
- U.S. Employment Opportunity Commission, Equal Pay Act of 1963 and Lilly Ledbetter Fair Pay Act of 2009

³⁷ In 1986, the Supreme Court interpreted Title VII to include discrimination based on “sex” as sexual harassment in the workplace. In 2020, the Supreme Court held that the prohibition against sex discrimination in Title VII also included employment discrimination on the basis of sexual orientation or transgender status.

³⁸ This overview was adapted from the archived CRS Report RL31867, *Pay Equity: Legislative and Legal Developments* (out of print; contact CRS for more information on this issue).

Age Discrimination in Employment

Overview

Enforced by the Equal Employment Opportunity Commission, laws against age discrimination involve treating an applicant or employee less favorably because of his or her age.

The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. Additionally, the law protects individuals who report age discrimination from retaliation. Although ADEA does not protect workers under the age of 40, some states have laws that protect younger workers from age discrimination.

Until a 1986 amendment (P.L. 99-592), workers over the age of 70 were not protected by ADEA.³⁹

Laws

The Age Discrimination in Employment Act is codified in the *U.S. Code* at 29 U.S.C. §§621-634.

Regulations

Regulations related to the Age Discrimination in Employment Act appear in the *Code of Federal Regulations* at 29 C.F.R. 1625 and 29 C.F.R. 1626.

More Information

- CRS Legal Sidebar LSB10431, *Babb v. Wilkie: The Age Discrimination in Employment Act and Mixed Motives*
- U.S. Department of Labor, Civil Rights Center
- U.S. Equal Employment Opportunity Commission, Age Discrimination
- U.S. Equal Employment Opportunity Commission, Policy, Guidance and Resource Documents Related to Age Discrimination

Employment Discrimination Against Individuals with Disabilities

Overview

The Americans with Disabilities Act of 1990 (Title I and Title V) expands equal employment opportunities and full inclusion for people with disabilities. Title I of the Americans with Disabilities Act of 1990 prohibits private employers with 15 or more employees, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. Under ADA, employers may not retaliate against employees or applicants with disabilities for engaging in a protected activity. ADA also requires employers provide reasonable accommodations for employees with disabilities.

Sections 501-505 of the Rehabilitation Act of 1973 prohibit discrimination against individuals with known physical or mental limitations in the federal sector. The Rehabilitation Act relies on

³⁹ This section was adapted from the CRS Report RL32757, *Unemployment and Older Workers*.

the same standards to determine discrimination as those under Title I of ADA. Additionally, the Rehabilitation Act addresses remedies and fees.

The U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) share responsibility for enforcing disability related discrimination.

Laws

- The Americans with Disabilities Act of 1990, Title I is codified in the *U.S. Code* at 42 U.S.C. §§12101-12103 and 12111-12117; ADA Title V is codified at 42 U.S.C. §§12201-12209.
- The Rehabilitation Act of 1973, Sections 501-505 are codified in the *U.S. Code* at 29 U.S.C. §§791-794a.

Regulations

- Regulations related to the workplace discrimination of Americans with disabilities appear in the *Code of Federal Regulations* at 29 C.F.R. §§1630.1-1630.16; 29 C.F.R. §§1640.1-1640.13; and 29 C.F.R. §§1641.1-1641.8.

More Information

- CRS In Focus IF10775, *Office of Compliance: Background Information*
- CRS Report R43855, *Rehabilitation Act: Vocational Rehabilitation State Grants*
- CRS Report R47109, *Federal Financial Assistance and Civil Rights Requirements*
- CRS In Focus IF12366, *Reasonable Accommodations for Employees with Disabilities*
- CRS Report R43468, *Special Minimum Wages for Workers with Disabilities: Frequently Asked Questions*
- CRS In Focus IF12227, *The Americans with Disabilities Act: A Brief Overview*
- U.S. Department of Labor, Office of Disability Employment Policy, Federal Employers: Tools and Resources
- U.S. Equal Employment Opportunity Commission, Disability Discrimination and Employment Decisions
- U.S. Department of Justice, Civil Rights Division, Fighting Discrimination in Employment Under the ADA
- U.S. Department of Justice, Civil Rights Division, American with Disabilities Act
- U.S. Department of Justice, Civil Rights Division, Rehabilitation Act
- U.S. Office of Personnel Management, Disability Employment

Appendix. Labor Force Statistics Sources

Table A-1 serves as a guide to primary Bureau of Labor Statistics and Census Bureau labor force data sources. It can be used to find specific survey programs by subject areas; geographic details (e.g., national, state); scope (i.e., the population included in the survey); key measures; and key published products. The information is sorted by agency and by frequency of data available.

Table A-1. Labor Force Statistics Sources

Program (Agency)	Subject Area	Geographic Detail	Frequency of Data Available	Scope	Key Measures	Key Products
Employment and Unemployment						
Current Employment Statistics (BLS)	Employment, Hours, Pay	National, State, Metro area	Monthly	Government, Private sector	Average weekly hours, Real earnings, Total nonfarm payroll employment	Current Employment Statistics Highlights
Current Population Survey (Census/BLS)	Worker characteristics, Earnings, Unemployment, Employment, Labor force participation	National	Monthly, Quarterly, Annual	Civilian noninstitutional population	Labor force, Unemployment, Employment, Official unemployment rate, Usual weekly earnings	The Employment Situation (Jobs Report)
Job Openings and Labor Turnover Survey (BLS)	Employment, Establishments, Labor dynamics	National	Monthly	Private sector	Hires, Job openings, Separations	Job Opening and Labor Turnover news release
Local Area Unemployment Statistics (BLS)	Employment, Unemployment	State, Metro Area, Cities, Towns; and Counties	Monthly, Annual	Civilian noninstitutional population	Employment, Labor force, Unemployment, Unemployment rate	State Employment and Unemployment (monthly)
Quarterly Census of Employment and Wages (BLS)	Employment, Pay	National, State, Metro area, and Counties	Monthly, Quarterly, Annual	Private sector, Government,	Wages, Employment, Number of establishments	Quarterly Census of Employment and Wages news releases

Program (Agency)	Subject Area	Geographic Detail	Frequency of Data Available	Scope	Key Measures	Key Products
Business Employment Dynamics (BLS)	Employment	National, State	Quarterly, Annual	Private sector	Business births and deaths, Gross job gains, Gross job losses	Business Employment Dynamics news release
American Time Use Survey (BLS)	Hours, Time Use	National	Annual	Civilian noninstitutional population	Average hours spent on activities, Percent of time engaged in activities	ATUS news release
Occupational Employment Statistics (BLS)	Employment, Pay	National, State, Metro area, and Nonmetropolitan area	Annual	Private sector, Government	Occupational Employment, Occupational wages	Occupational Employment and Wage Statistics news releases
Employment Projections (BLS)	Employment	National	Biennial	Private sector, government	Projected employment, Projected labor force measures, Education and training	Employment Projections news release
American Community Survey (Census) ^a	Employment, Unemployment (and other non-labor subject areas)	National, State, Cities, Congressional districts, Counties of 65,000 or more. Smaller areas such as census block groups using multi-year averages.	Annual ^b	Civilian and military population	Labor force, Unemployment, Employment, Unemployment rate, Income	ACS Publication Series Labor Force Statistics Data Tables ^c
Business Dynamics Statistics (Census)	Employment, Establishments, Pay	National, State, Metro area, Counties	Annual	Census Bureau Business Register ^d	Employment, Job openings and separations, Establishment openings and separations	BDS Data Tables BDS Datasets

Program (Agency)	Subject Area	Geographic Detail	Frequency of Data Available	Scope	Key Measures	Key Products
Compensation and Working Conditions						
National Compensation Measures (BLS)	Pay, Benefits	National, Census region	Quarterly, Annual	Private sector, state and local government	Employment Cost Index, Incidence and provision of employee benefits, Employer Costs for Employee Compensation	Employment Cost Index news release
Census of Fatal Occupational Injuries (BLS)	Workplace injuries, illnesses, and fatalities	National, State, Metro area	Annual	Government, military, private sector	Fatal workplace injuries	Census of Fatal Occupational Injuries Summary news release
Occupational Requirements Survey (BLS)	Job requirements	National	Annual	Private sector, state and local government	Cognitive and mental requirements, Education and training, Environmental conditions, Physical demands of job	Occupational Requirements Survey news releases
Survey of Occupational Injuries and Illnesses (BLS)	Workplace injuries, illnesses, and fatalities	National, State	Annual	Private sector, state and local government	Days away from work, Nonfatal workplace injuries and illnesses incidence	Employer-Reported Workplace Injuries and Illnesses news release

Source: Compiled by CRS from the Bureau of Labor Statistics (BLS), *Handbook of Methods*, and from BLS and Census Bureau survey web pages.

- a. ACS covers a sample of nearly 3 million U.S. homes. Due to this large sample size, detailed demographic data may be available.
- b. The scheduled release of ACS data for prior years depends on the level of geography and type of table detail. For more information on ACS data releases, see the U.S. Census Bureau, ACS Data Release website.
- c. The Labor Force Statistics Data Tables includes both ACS and CSP data.
- d. The Census Bureau Business Register is an establishment-based database on businesses and includes information such as location, type of organization (subsidiary or parent), and industry classification.

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