

Hugh & Hazel Darling Law Library

UCLA School of Law

Research Guide Series *EMPLOYMENT LAW:*

FEDERAL AND CALIFORNIA SOURCES

The following guide describes selected online resources and materials available at the Hugh & Hazel Darling Law Library regarding federal and California employment law.

This pathfinder is divided into three sections and each section includes materials regarding federal and California laws. The first section is “Online Government Resources.” The governmental agencies responsible for the administration and enforcement of employment laws publish information useful to researchers. The Websites of each agency provide a wide array of information, such as statutes and regulations, agency opinion letters and guides explaining the various statutes and rules enforced by the agency.

The second section, “General Secondary Sources,” identifies selected secondary sources specific to employment law. In this section multi-topic resources are emphasized. These sources provide a good introduction to employment law, and some of the sources also have in depth discussions of various topics within employment law.

The third section, “Topical Resources,” is organized by subtopic within employment law, such as discrimination and wage and hour law, and identifies sources specific to each subtopic.

I. ONLINE GOVERNMENT RESOURCES

A. Federal

1. *U.S. Department of Labor* at <http://www.dol.gov/>

The U.S. Department of Labor (DOL) is responsible for the administration and enforcement of a number of Federal employment laws. Most notably, the DOL enforces federal wage and hour laws, such as the Fair Labor Standards Act, regarding minimum wages and overtime rules. The DOL is also responsible for the administration of several other employment laws, including laws regarding workplace safety (Occupational Safety and Health (OSH) Act), employment related background checks (Consumer Credit Protection Act), lie-detectors in the workplace (Employee Polygraph Protection Act), benefits (Employee Retirement Income Security Act (ERISA)), family and medical leaves of absence (Family and Medical Leave Act) and layoffs (Worker Adjustment and Retraining Notification Act (WARN)).

The DOL's Website provides a treasure trove of information. The site identifies the major laws administered by the DOL and contains white papers, called e-laws Advisors, explaining each of the laws. The site also includes a searchable Employment Law Guide organized topically, explaining the requirements of the different laws enforced by the DOL. The Employment Law Guide generally seems more user friendly than





Employment Law: Federal and California Sources

the elaws Advisors, but for many topics, it does not contain the same level of detail as the elaws Advisors. For this reason, the Employment Law Guide may be a good place to begin research, and the elaws Advisors can be helpful to answer questions not resolved by the Guide.

The site includes a great deal of other information on the laws administered by the DOL, other DOL news and information and statistical information. In addition, the site contains DOL forms and contact information.

2. *U.S. Equal Employment Opportunity Commission* at <http://www.eeoc.gov/>

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for the administration and enforcement of Federal laws regarding anti-discrimination. The EEOC administers and enforces Title VII of the Civil Rights Act of 1964, which prohibits discrimination and harassment on the basis of race, color, religion, sex and national origin; the Age Discrimination in Employment act of 1967, which prohibits discrimination and harassment based on age; provisions of the Americans with Disabilities Act of 1990, which prohibits discrimination and harassment against qualified individuals with disabilities and requires reasonable accommodation for qualified individuals with disabilities; and other laws prohibiting discrimination.

The EEOC's Website provides a great deal of information regarding the EEOC and the laws administered and enforced by the EEOC. The site includes links to the text of the laws and regulations promulgated pursuant to those laws. In addition, in the "Discrimination by Type: Facts and Guidance" section, the site includes easy to understand explanations of the general requirements of the laws. When using this feature, the "Need More Information?" references that will appear on the right hand side of the screen provide additional useful information.

B. **California**

1. *California Division of Labor Standards Enforcement* at <http://www.dir.ca.gov/DLSE/dlse.html>

The California Division of Labor Standards Enforcement (DLSE) is a division of the California Department of Industrial Relations. The DLSE is responsible for the administration and interpretation of California's laws regarding wages, hours of work and certain working conditions, including minimum wage and overtime laws.

The DLSE's site offers useful information regarding California wage and hour laws. The site includes the text of relevant laws from the California Labor Code and regulations from the California Code of Regulations. The site also includes the text of the Industrial Welfare Commission wage orders establishing wage and hour rules by industry/profession and information regarding required workplace postings.

Perhaps of most assistance, the site includes a link to The 2002 Update of the DLSE Enforcement Policies and Interpretations Manual. This 327 page manual contains





Employment Law: Federal and California Sources

the DLSE's interpretations of the laws that it administers and enforces. While the Manual itself is not an official regulation, and therefore does not have the force of law, the Manual is an invaluable resource to understand California wage and hour law.

The site also includes an FAQ organized by subject, which provides relatively easy to understand answers to common questions regarding wage and hour laws. An additional noteworthy feature of the DLSE's Website is its inclusion of its opinion letters issued on a variety of wage and hour topics. The opinion letters can be displayed alphabetically by subject or chronologically by date.

2. *California Department of Fair Employment and Housing* at <http://www.dfeh.ca.gov/>

Similar to the EEOC, The California Department of Fair Employment and Housing (DFEH) is the agency responsible for the administration and enforcement of California's Fair Employment and Housing Act (FEHA) prohibiting discrimination on the basis of age, ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, sex and sexual orientation. The FEHA also requires reasonable accommodation of qualified individuals with disabilities and requires that qualified employees be given pregnancy disability leave. The DFEH is also responsible for the administration and enforcement of the California Family Rights Act (CFRA) requiring the grant of family/medical leave under qualifying circumstances.

The meat of the site is in the section titled "Statutes, Laws and FEHC Decisions." This section includes easy-to-understand descriptions regarding key provisions of the laws, as well as major administrative decisions.

3. *California Employment Development Department, "Employers/Small Businesses,"* at <http://www.edd.ca.gov/employer.htm>

The California Employment Development Department (EDD) administers California's unemployment and disability insurance programs. The EDD also is responsible for auditing and collecting payroll taxes and maintaining California labor statistics. In addition, the EDD offers services for job seekers, employees and employers.

The EDD's Website offers a portal for employers, containing information for California employers. There are links to a number of topics including payroll taxes and employee insurance matters.

II. GENERAL SECONDARY SOURCES

A. Federal/Multi-Jurisdictional

1. *Employment Law*, 3rd ed. Mark A. Rothstein, et al. (West Group, 2004-)

This is a two-volume treatise aimed at practitioners covering the basic rules, principles and issues relating to employment law. It includes extensive footnotes referencing





Employment Law: Federal and California Sources

cases, statutes, regulations, and other secondary sources. Volume 2 also includes a detailed appendix on how to search various issues in employment law, as well as a table of the statutes and cases covered and where they are referenced in the treatise.

LOCATION:

Library: KF 3455 .E468 2004 (Reserve)

2. *Employment Law in a Nutshell*, 2nd ed. Robert N. Covington, Kurt H. Decker (West Group, 2002).

This is part of the “Nutshell” series and is meant as an introduction to employment law. In discussing employment law topics, *Employment Law in a Nutshell* identifies various federal laws regarding employment.

LOCATION:

Library: KF 3455 .Z9 C68 2002 (Reserve)

3. *Employment Law Yearbook*. Orrick, Herrington & Sutcliffe LLP (PLI, 2000-).

This annual publication discusses a variety of employment law topics in a single volume. Current developments are emphasized, and in addition to statutory references, the *Employment Law Yearbook* provides citations to notable, recent federal cases for each topic.

LOCATION:

Library: KF 3302.5 .E47 (Stacks)

4. *Employment Guide*. (Bureau of National Affairs, Inc., 1986-).

LOCATION:

Library: KF 3315 .E464 1986 (Stacks)

This treatise is a concise HR information source for managers in small- and medium-sized organizations. It provides a storehouse of nuts-and-bolts guidance – including ready-to-use model policies and forms – on practically every subject and problem encountered in employment, from hiring through termination. It also includes a federal law finding aid.

5. *Fundamentals of Employment Law*. Karen E. Ford, et al. (ABA, 2000).

LOCATION:

Library: KF 3319 .F86 2000 (Stacks)

This book offers an overview of employment law, written by lawyers for one of the top corporate labor and employment law firms, Littler Mendelson P.C.





Employment Law: Federal and California Sources

6. *Primer on Individual Employee Rights*, 2nd ed. Alfred G. Feliu. (BNA, 1996).

LOCATION:

Library: KF 3319.F45 1996 (Stacks)

This book offers a clearly written overview of the parts of employment law that center around individual employee rights. It also gives some historical and contextual information explaining how the law got to be the way it is.

7. *Employment Relationships: Law & Practice*. Mark Bennett, et al. (Aspen Law & Business, 1998-).

This discusses several employment law topics in a single volume. *Employment Relationships* is divided into four parts, formation of the employment relationship; discrimination litigation; rights and obligations of employers and employees; and privacy, alternative dispute resolution and technology.

LOCATION:

Library: KF 3455 .B456 (Stacks)

8. *Fair, Square & Legal: Safe Hiring, Managing & Firing Practices to Keep You & Your Company Out of Court*, 4th ed. Donald H. Weiss. (American Management Association, 2004).

LOCATION:

Library: KF 3457 .W45 2004 (Stacks)

This is a practical guide aimed at business managers dealing with personnel issues such as hiring, interviewing, training, downsizing etc.

9. *Employment Law: The Workplace Rights of Employees and Employers*. Benjamin W. Wolkinson, Richard N. Block. (Blackwell, 1996).

LOCATION:

Library: KF 3457 .W65 1996 (Stacks)

This book examines the relevant statutes, judicial decisions, executive orders, and administrative policies that shape the respective rights of managers and workers at the workplace. It discusses the historical/contextual reasons why the laws were established and then outlines the specific legal requirements and their effects on an organization's policies and practices.

10. *Unjust Dismissal*. Lex K. Larson. (Matthew Bender, 1985-).

This is a three volume set that reviews the laws potentially implicated by the wrongful termination of employment. Contractual, tort and statutory theories of unjust dismissal are analyzed.





LOCATION:

Library: KF 3471 .Z95 L37 1985 (Stacks)
Lexis: LABOR;EMPDIS

11. *Model Jury Instructions : Employment Litigation*, 2nd ed. Susan Potter Norton, Jon W. Green. (ABA, 2005).

LOCATION:

Library: KF 8984 .E39 2005 (Stacks)

This is a collection of model jury instructions for a wide-range of labor and employment-related litigation issues.

12. *CCH, "hr.cch.com,"* at <http://www.hr.cch.com>

This site is the gateway for CCH's online store. However, it also provides useful, free information regarding employment law. The most helpful feature of this Site is "Human Resources Links" located in the bottom left of the page, which includes hyperlinks to a multitude of other Websites of interest for those researching employment laws. The links are organized into the following topics: human resources – general; affirmative action/EEO; arbitration & mediation; benefits; compensation/ payroll; disabled workers; government sites; immigration law compliance; labor & employee relations; relocation; safety, health & wellness; state labor departments; and workers' compensation. In addition, this Site includes a news library subdivided into the following topics: employment law, human resources management, payroll, pension and benefits, unemployment insurance with social security, safety/OSHA and CCH news. It also includes other online tools such as a summary of federal and state employment law changes.

13. *Elinfonet.com (Employment Law Information Network)* at <http://www.elinfonet.com/>.

This site provides an online index of employment law articles published by employment attorneys throughout the U.S. The site includes information pertaining to federal law as well as state law. The federal portal organizes articles into twenty-four separate topics, and the California portal organizes articles into approximately thirty-six separate topics.

B. California

1. *California Practice Guide: Employment Litigation*. Ming W. Chin, et al. (Rutter Group, 2001-).

This Practice Guide has nineteen chapters, organized into three volumes, covering a wide range of employment law topics. It is probably the most well-known California guide.





LOCATION:

Library: KFC 572 .A6 C35 (Reserve)

2. *Handling a Wrongful Termination Action: Here's How and When to Do It.* William M. Crosby. (CEB Action Guide, Regents of U. of Ca., 2007).

This is a detailed practice guide for plaintiff's attorneys taking them through the steps of representing a terminated employee from collecting facts to posttrial motions.

LOCATION:

Library: KFC 995 .A1 C34 (Reserve)

3. *Employment Law Practice.* (CEB, 1992-)

LOCATION:

Library: KFC 556 .A15 E47 (Stacks)

This set contains yearly updates to employment law, including summaries of significant California and federal cases and legislation.

4. *Advising California Employers and Employees.* Bonnie Bouge, et al. (CEB, 2005-)

This is a three volume set which provides information on a variety of topics within employment law including hiring, compensation and benefits, recordkeeping requirements, trade secrets, safety, privacy, discrimination, harassment, whistle blowing, discipline and termination, reductions in force, arbitration of employment disputes and public employment issues. Each chapter is written by one or more practitioners in the field.

LOCATION:

Library: KFC 556 .A933 (Stacks)

5. *California Employment Law.* M. Kirby Wilcox, et al. (Matthew Bender, 1989-).

This is perhaps the most extensive of the general California employment law treatises. There are ninety chapters, organized into four volumes, covering the following topics: wage and hour laws, employee illnesses and injuries, employer liability to third parties for conduct of employees, equal employment opportunity, employee privacy rights, wrongful termination and related disputes, trade secrets and unfair competition, unemployment and state disability insurance and alternative dispute resolution.

LOCATION:

Library: KFC 556 .C35 (Stacks)





Employment Law: Federal and California Sources

6. *Employment Law Compliance for New Businesses*. Margaret Hart Edwards, et al. (CEB, 1997-2004).

This source compiles basic information regarding employment law into one volume. Each of the eleven chapters is written by employment law practitioners. This source is meant as an introduction to employment law for new and small businesses.

LOCATION:

Library: KFC 556 .E47 1997 (Stacks)

7. *Wrongful Employment Termination Practice*, 2nd ed. William C. Quackenbush, et al. (CEB, 1997-).

This source is a two volume set covering the substantive law behind a variety of common employment law actions and litigation strategy for attorneys involved in such cases. Each of the sixteen chapters is written by employment law practitioners.

LOCATION:

Library: KFC 1028 .L33 W761 (Stacks)

III. TOPICAL RESOURCES

A. Discrimination and Harassment

1. *Employment Discrimination Law*, 4th ed. Barbara Lindemann, et al. (BNA Books, 2007).

LOCATION:

Library: KF 3464 .S34 2007 (Reserve)

2. *Bringing and Defending a Sexual Harassment Action: Here's How and When to Do It*. Barbara S. Bryant, Howard A. Simon. (CEB Action Guide, Regents of the U.C., 2006).

LOCATION:

Library: KFC 995 .A1 C34 (Reserve)

3. *Litigating Employment Discrimination and Civil Rights Cases*. Harold S. Lewis, Jr., Elizabeth J. Norman. (Thomson/West, 2002-).

LOCATION:

Library: KF 1325 .C58 L49 (Stacks)

4. *Employment Discrimination*, 2nd ed. Lex Larson. (Matthew Bender, 1975-).

LOCATION:

Library: KF 3464 .L37 (Stacks)





5. *Manual on Employment Discrimination Law and Civil Rights Actions in the Federal Courts*, 2nd ed. Charles R. Richey. (West Group, 1994-).

LOCATION:

Library: KF 3464 .R531 (Stacks)

6. *Sexual Harassment in the Workplace: Law and Practice*, 3rd ed. Alba Conte. (Panel Publishers, 2000).

LOCATION:

Library: KF 3467 .C66 2000 (Stacks)

7. *Sex-Based Employment Discrimination*. Susan M. Omilian, Jean P. Kamp. (West Group, 1990-).

LOCATION:

Library: KF 3467 .O48 (Stacks)

8. *Sexual Orientation and Legal Rights*. Alba Conte. (Wiley Law Publishers, 1998).

LOCATION:

Library: KF 4754.5 .C66 1998 (Williams Institute Reading Room)

B. Wage and Hour Law

1. *Wage and Hour Manual for California Employers*, 11th ed. Richard J. Simmons. (Castle Publications, 2005-).

LOCATION:

Library: KFC 575 .S55 2005 (Stacks)

C. Employee Privacy

1. *Employee Privacy Law*. L. Camille Hébert. (West Group, 1993-).

LOCATION:

Library: KF 3455 .H43 (Stacks)

2. *Guide to E-Mail and the Internet in the Workplace*. Susan E. Gindin. (BNA, 1999).

LOCATION:

Library: KF 3457 .G56 1999 (Stacks)





D. Employment Contracts

1. *Corporate Counsel's Guide to Employment Contracts*. (BLI, 1990-).

LOCATION:

Library: KF 898 .C672 (Stacks)

E. Independent Contractors

1. *Working with Independent Contractors, Leased Workers, and Outsourcing: Here's How and When to Do It*. Jamerson C. Allen. (CEB Action Guide, Regents of U. of Ca., 2005).

LOCATION:

Library: KFC 228 .Z9 A45 2005 (Reserve)

F. Workers' Compensation

1. *Workers' Compensation and Employee Protection Laws in a Nutshell*. Jack B. Hood, et al. (Thomson-West, 2005).

LOCATION:

Library: KF 3615 .Z9 H64 2005 (Reserve)

2. *Meeting Statutory Deadlines: Workers' Compensation: Here's How and When to Do It*. Barry M. Lesch, James P. Pettibone. (CEB Action Guide, CEB, 2005).

LOCATION:

Library: KFC 995 .A1 C34 (Reserve)

3. *California Law of Employee Injuries and Worker's Compensation*, 2nd rev. ed. Warren L. Hanna. (Matthew Bender, 1966-).

LOCATION:

Library: KFC 592 .H32 1966 (Stacks)

4. *California Workers' Compensation Law and Practice*, 6th ed. David D. Bovett, et al. (James Publishing, 2002).

LOCATION:

Library: KFC 592 .S7 2002 (Stacks)

5. *California Workers' Compensation Practice*, 4th ed. Brett A. Borah, Elizabeth M. Johnson. (CEB, 2000-).

LOCATION:

Library: KFC 592 .S933 (Stacks)

