

Summary of Federal Statutes That Require or Imply Training

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This summary is a partial listing of federal statutes that require or imply training by organizations in the public and private sectors. This listing should not be considered a complete listing as statutes are modified or added every year. Be sure to check state statutes and local ordinances for similar training requirements. For example, most states have an equivalent EEOC statute that may include additional protections. The Florida Human Relations Act includes protections against discrimination based on marital status and there are no lower age requirements regarding age discrimination.

Statute	Comments
Civil Rights Acts (CRA) of 1871, 1964, and 1991	<p><u>CRA of 1871, 42 U.S.C. § 1983</u>. "Every person who, under color of any [state, county, or municipal] statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . [to be deprived] of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law . . ."</p> <p><u>CRA of 1964</u>. Prohibits discrimination in all aspects of employment based upon race, color, national origin, religion and sex. 42 U.S.C. § 2000(e).</p> <p><u>CRA of 1991</u>. Amends CRA 1964 allowing jury trials, award of punitive damages, disallows race-norming, clarifies mixed motives by employer, and other provisions.</p>
Drug-Free Workplace Act of 1988	<p><u>41 U.S.C. § 701</u>. Applies to employers who seek or have contracts with the federal government of \$25,000 or more, as well as recipients of federal grants (municipalities and not-for profit organizations). Training requirements include publishing a drug free workplace policy and a "drug-free awareness program.</p>
Occupational Safety & Health Training of 1970	<p>29 U.S.C. § 654. Ensures safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health.</p>
Fair Labor Standards Act of 1938 (Wage and Hour Requirements, Child Labor Laws)	<p><u>29 U.S.C. § 201</u>. Establishes a federal minimum wage and conditions under which overtime is payable to employees. The act exempts certain administrative and professional employees. Establishes requirements for minimum age and hours worked by children, and the conditions under which they work.</p>
Americans with Disabilities Act of 1990	<p><u>42 U.S.C. § 1211</u>. Prohibits employment discrimination on the basis of qualified physical or mental disabilities. Employers are required to make "reasonable accommodations" to assist employees in the performance of the essential functions of the job.</p>
The Age Discrimination in Employment Act of	<p><u>29 U.S.C. § 621</u>. Prohibits discrimination against employees based on age, unless age can be shown to be a bona fide occupational qualification, meaning that a person over a certain age cannot perform the job in question. Applies to those</p>

1967	40 years of age and over, with no upper age limit.
Equal Pay Act of 1963	<u>29 U.S.C. § 206</u> . “No employer . . . shall discriminate . . . between employees on the basis of sex by paying wages . . . at a rate less than the rate at which he pays wages to employees of the opposite sex . . . for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions . . .” Exceptions include a seniority system, a merit system; a system which measures earnings by quantity or quality of production; or a differential based on any other factor other than sex . . .”
Immigration Reform and Control Act of 1986	<u>8 USCA 1324B</u> . Controls unauthorized immigration to the United States., including employer sanctions, enforcement, and amnesty provisions. The employer sanctions provision designates penalties for employers who hire aliens not authorized to work in the United States.
The Family Medical Leave Act of 1993	<u>29 U.S.C. § 2601</u> . Requires employers of more than 50 employees to provide up to 12 weeks of unpaid leave to employees, after giving notice, to care for self, spouse, or child with a serious health condition as well as for a birth or adoption.
Sarbanes-Oxley Act of 2002	<u>15 U.S.C. 7201</u> . Establishes the Public Company Accounting Oversight Board which oversees, regulates, inspects and disciplines accounting firms in their auditing role. The law addresses auditor independence, corporate governance, and financial disclosure.
Foreign Corrupt Practices Act of 1977	Prohibits corrupt payments to foreign officials for the purpose of obtaining or keeping business by any individual, firm, officer, director, or other third parties. Criminal, civil, and other governmental actions may be imposed on violators.
Vocational Rehabilitation Act of 1973	<u>29 U.S.C. § 701</u> . Prohibits discrimination in employment against disabled individuals by the federal government.
Pregnancy Discrimination Act of 1978	<u>42 U.S.C. § 2000(k)</u> . The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.
The Fair Credit Reporting Act of 1970, The Consumer Credit Reporting Reform Act of 1996, and	<u>15 U.S.C. § 1681</u> . The Fair Credit Reporting Act regulates the activities of credit reporting bureaus such as TRW Information Services, Equifax Credit Information Services, and Trans Union Credit Information Company. This law, which is administered by the Fair Trade Commission, regulates and punishes unauthorized persons who obtain credit reports, as well as employees of credit reporting bureaus who furnish credit reports to unauthorized persons. The law also places responsibilities on those who supply the reporting bureaus with the initial information. Subsequent amendments strengthen the FCRA.

The Fair and Accurate Credit Transactions Act of 2003	
National Institute for Occupational Safety and Health (NIOSH)	<u>29 U.S.C. § 669</u> . NIOSH is a division of the Centers for Disease Control within the U.S. Department of Health and Human Services. NIOSH is the U.S. government's occupational safety and health research agency.
Toxic Substances Control Act of 1976	<u>15 U.S.C. 2601</u> . Provides the Environmental Protection Agency the ability to track 75,000 industrial chemicals currently produced or imported into the United States. EPA repeatedly screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. EPA can ban the manufacture and import of those chemicals that pose an unreasonable risk.
Copyright Act of 1976	<u>17 U.S.C. § 100</u> . Establishes the rights of intellectual ownership of performances and displays fixed in some tangible form or expression.
Digital Millennium Copyright Act of 1998	<u>17 U.S.C. § 201</u> . Criminalizes production and dissemination of technology that can avoid measures taken to protect copyright and heightens the penalties for infringement on the Internet.
TEACH Act of 2002	<u>17 USC § 110</u> . The TEACH Act amends the Copyright Act of 1976 by clarifying what uses are permissible with regard to the digital transmission of mediated instructional activities. Applies mostly to online and distance education programming.
Uniform Trade Secret Protection Act of 1998 and The Economic Espionage Act of 1996	<u>18 U.S.C. § 1831</u> . Proprietary information of a competitive nature that is held secret by a business and has commercial value, the disclosure of which would weaken the competitive nature of the business and devalue its products or services. The UTSA is a model act that has been adopted by over forty states. The Economic Espionage Act makes theft or possession of a trade secret a federal crime.

Adapted and updated from Sample, J. A. (2007). Appendix B. Summary of Federal Statutes That Require or Imply Training. In J. A. Sample. (2007). *Avoiding Legal Liability for Adult Educators, Human Resource Developers, and Instructional Designers*. Malabar, FL: Krieger Publishing, pp. 234-239.

This information should not be construed as legal advice or as pertaining to specific factual situations. Always consult competent legal counsel regarding important employment law questions.

Have comments, thoughts or feedback? Contact Dr. Sample me at john@sampleandassociates.org.