

Employee Benefits Law



What is Employee Benefits Law?

Employee benefits law regulates the types of benefits employers offer their employees, as well as how employers administer those benefits. A combination of federal and state laws comprise employee benefits law, and not all common employee benefits (such as paid vacation days) are required by law. The federal government regulates the collection of social security, but state governments administer unemployment and workers' compensation benefits. Benefits such as paid vacation time, stock options, annuities, and 401(k) plans are generally not required by law, but employee benefits lawyers may still advise their clients regarding the inclusion of such programs in their employee benefits packages. The United States Department of Labor and the Internal Revenue Service oversee employee benefits regulations ([Justia](#)).

The Department of Labor oversees the important employee benefits laws, including the [Social Security Act](#), first passed in 1935 and expanded several times since; the [Fair Labor Standards Act \(FLSA\)](#) which set federal minimum wage and restricts child labor; the [Immigration and Nationality Act](#) regulating work visas; the [Occupational Safety and Health Act \(OSHA\)](#) which sets and inspects workplace safety standards; the [Federal Employees' Compensation Act](#) which established workers' compensation programs; the [Employee Retirement Income and Security Act](#) which regulates pension and welfare plans; the [Labor-Management Reporting and Disclosure Act of 1959](#) which regulates union activities; and the [Family Medical Leave Act](#) which requires all employers to provide twelve weeks of unpaid leave for certain qualifying reasons. The Department of Labor also administers veterans' preference, government contract work, migrant and seasonal work, mine safety, construction safety, transportation workers' safety, job postings, and layoffs for federal government jobs. Specific rules governing the unemployment insurance and workers' compensation rules vary by state ([Department of Labor](#)).

Employment benefits lawyers advise employers regarding benefits packages or employees considering those packages. They can be involved in disputes related to the Employee Retirement Income and Security Act. Employment benefits lawyers may also analyze problems related to corporate mergers, acquisitions, and partnerships. These lawyers should also have a strong understanding of tax law, especially income tax and payroll tax law. Employment benefits lawyers frequently work with the Department of Labor and the Internal Revenue Service, in addition to Human Resource managers, accountants, and labor union counsels ([Norris](#)).

Where Do Employee Benefits Lawyers Work?

Government

Department of Labor—[Careers](#)

[Full list of Federal Agencies Related to Labor](#)

Internal Revenue Service—[Jobs](#)

[Tennessee Department of Labor](#)

Social Security Administration—[Atlanta Region](#)

Private Sector

Firms with employee benefits departments or that handle cases related to employee benefits

In-house counsel for businesses

In-house counsel for labor unions

Employee Benefits Resources



Resume Boosters for Employee Benefits Law

If you are interested in risk management, consider becoming a [certified actuary](#)

Join the Business and Tax Law Society

Join the Health Law Society, especially if you are interested in healthcare benefits

Intern or extern with a firm that handles employee benefits disputes

What Classes Should I Take?

Corporate Governance and Compliance

Corporate Tax

Employee Benefits

Fair Employment Practices

Income Tax

Labor Law

Mergers & Acquisitions

Professional Associations

American Bar Association

All University of Memphis law students have free membership to the [American Bar Association](#). Their website provides routinely updated information and interest-specific career advice. Join different sections to find out what they offer. Check out the [Labor and Employment Law Section](#).

American Society of Pension Professionals and Actuaries

The [American Society of Pension Professionals and Actuaries](#) provides professional development and resources for retirement and actuary science specialists.

Employee Benefits Law Links

[“COVID-19 Testing, the CARES Act and Applicable Agency Guidance”](#)

This article by Mary E. Powell and Lindsay R. Docto outlines the impacts of the COVID-19 pandemic on healthcare benefits. American Bar Association, May 21, 2020.

[“The Employee Benefits Jurisprudence of Justice Anthony Kennedy”](#)

This article written by James M. Nelson examines the various employee benefits positions Justice Kennedy took while on the Supreme Court. Employee Benefits Committee Newsletter, American Bar Association, Fall 2018.