

U.S. EMPLOYMENT LAW & REGULATIONS

Workplace Domain Study Guide

A focused reference for SHRM-CP and SHRM-SCP study.

2026 SHRM BASK aligned

PRACTICAL PERSPECTIVE

This guide develops U.S. Employment Law & Regulations as a Workplace Domain functional area. It teaches the legal and regulatory framework SHRM expects HR professionals to recognize and apply in employment decisions. The emphasis is on identifying the governing requirement, understanding employer obligations and employee protections, recognizing enforcement concepts, and using appropriate compliance practices.

STUDY BOUNDARY

This is an SHRM study guide, not independent legal advice or a comprehensive treatise on U.S. labor and employment law. Content is limited to concepts assigned by the approved SHRM materials. Detailed risk methodology belongs in Risk Management; professional ethical decision-making belongs in Ethical Practice; functional HR processes remain in their respective guides even when laws affect them.

01 2026 SHRM BASK / WORKPLACE DOMAIN CONTEXT

The 2026 SHRM Certification Prep System places U.S. Employment Law & Regulations in the Workplace Domain together with Managing a Global Workforce, Risk Management, and Corporate Social Responsibility.

For HR professionals, legal knowledge is operational as well as strategic: HR must translate legal requirements into policies, procedures, documentation, manager guidance, employee communication, recordkeeping and organizational decisions.

CORE CONTENT AREAS

- Sources of U.S. employment law and legal authority.
- Legal compliance infrastructure and use of counsel.
- Equal employment opportunity and nondiscrimination.
- Discrimination theories and defenses.
- Harassment, retaliation and enforcement concepts.
- Disability and accommodation requirements.
- Wage-and-hour requirements.
- Protected leave and employment restoration.
- Employee benefits regulation.
- Labor relations and protected concerted activity.
- Workplace safety regulation.
- Immigration and employment eligibility.
- Military service protections.
- Plant closing and mass-layoff requirements.
- Employee privacy and other source-supported employment-law concepts.
- Operational versus strategic application.

02 SOURCES OF LAW

The SHRM materials identify multiple sources of legal authority. HR professionals should recognize that an employment obligation may arise from more than a federal statute.

Source	SHRM study meaning
The Constitution	The foundational source of governmental authority and individual constitutional protections.
Statutes	Laws enacted by legislative bodies.
Regulations	Rules issued by authorized governmental agencies to implement or administer statutes.
Agency guidelines	Agency interpretations and guidance that help employers understand enforcement expectations.
Executive orders	Directives issued by the executive branch within its authority; some affect employment practices, particularly government contractors.
Common law	Law developed through judicial decisions rather than enacted statutes.

The source matters because different legal authorities have different scopes, enforcement mechanisms and employer obligations.

03 LEGAL COMPLIANCE INFRASTRUCTURE

SHRM treats compliance as an organizational system rather than a one-time HR activity. The source materials identify policies, procedures, training, workplace postings, new-employee orientation, workers' compensation insurance, proper tax withholding, lawful paycheck delivery, organizational codes of conduct, reporting/investigation mechanisms and compliance hotlines as examples of compliance essentials.

Effective compliance requires translating requirements into repeatable organizational practices. A legally accurate policy that managers do not understand or follow can still create organizational exposure.

04 LEGAL COUNSEL AND RISK MITIGATION

The SHRM materials emphasize securing appropriate legal counsel and employing preventive practices. HR should recognize when an issue requires specialized legal interpretation rather than attempting to resolve every legal question independently.

The HR role includes gathering accurate facts, preserving relevant documentation, explaining the business and workforce context, implementing lawful processes, and working effectively with counsel.

05 EQUAL EMPLOYMENT OPPORTUNITY

Equal employment opportunity principles prohibit unlawful employment discrimination and shape decisions across recruiting, selection, promotion, compensation, discipline, termination and other terms and conditions of employment.

For SHRM purposes, learners should connect a protected status or protected activity with the relevant legal framework, determine what employment action or practice is at issue, and distinguish intentional discrimination from neutral practices that produce discriminatory effects.

06 TITLE VII OF THE CIVIL RIGHTS ACT

Title VII is a central federal nondiscrimination law in the SHRM employment-law curriculum. It prohibits covered employers from discriminating in employment because of race, color, religion, sex or national origin.

The law affects employment decisions throughout the employment relationship and is enforced principally through the Equal Employment Opportunity Commission (EEOC).

RELIGIOUS ACCOMMODATION

Title VII also requires covered employers to address employees' sincerely held religious practices and beliefs through the applicable accommodation framework, subject to the standard presented in the controlling SHRM materials.

07 PREGNANCY-RELATED EMPLOYMENT PROTECTIONS

The SHRM materials address pregnancy-related protections within the federal employment-law framework. The Pregnancy Discrimination Act amended Title VII so discrimination because of pregnancy, childbirth or related medical conditions is treated as sex discrimination.

Pregnancy-related accommodation requirements should be distinguished from the nondiscrimination rule itself when the SHRM materials identify a separate accommodation obligation.

08 AGE DISCRIMINATION IN EMPLOYMENT ACT

The Age Discrimination in Employment Act (ADEA) protects covered individuals age 40 and older from prohibited age discrimination in employment.

Exam recognition depends on identifying age as the protected characteristic and distinguishing age discrimination from decisions supported by legitimate, lawful factors unrelated to age.

09 AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) prohibits covered employment discrimination against qualified individuals with disabilities and includes an accommodation obligation.

QUALIFIED INDIVIDUAL

A central concept is whether the individual can perform the essential functions of the job, with or without reasonable accommodation.

ESSENTIAL FUNCTIONS

Essential functions are the fundamental duties of the position. Accurate job analysis and job documentation matter because accommodation decisions depend on what the job actually requires.

REASONABLE ACCOMMODATION AND UNDUE HARDSHIP

Reasonable accommodation involves modifications or adjustments that enable a qualified individual to participate in the employment process or perform the job, subject to the applicable undue-hardship standard.

INTERACTIVE PROCESS

The accommodation process requires communication and fact-specific consideration rather than reflexively granting or denying a requested solution. The requested accommodation is not necessarily the only effective accommodation.

10 GENETIC INFORMATION NONDISCRIMINATION ACT

GINA prohibits covered employment discrimination based on genetic information and restricts acquisition and handling of genetic information in the employment context.

For exam recognition, genetic information should not be treated as ordinary medical information; SHRM separates it as a distinct protected area.

11 EQUAL PAY ACT

The Equal Pay Act addresses sex-based wage discrimination for substantially equal work under the statutory framework taught by SHRM.

The exam distinction is between unlawful sex-based pay disparity and compensation differences supported by recognized lawful factors. Broader compensation strategy and pay structures belong in Total Rewards.

12 DISPARATE TREATMENT AND DISPARATE IMPACT

Concept	Meaning
Disparate treatment	Intentional different treatment because of a protected characteristic.
Disparate impact	A facially neutral employment practice produces a disproportionate adverse effect on a protected group and is evaluated under the applicable legal framework.

Intent is the high-value distinction. Disparate treatment concerns intentional discrimination. Disparate impact can arise without discriminatory intent.

13 BUSINESS NECESSITY AND BFOQ

SHRM distinguishes defenses according to the type of claim and legal context.

Business necessity is associated with justification of a job-related practice in a disparate-impact context. A bona fide occupational qualification (BFOQ) is a narrow defense allowing consideration of certain otherwise protected characteristics when genuinely necessary to the normal operation of the business and permitted by law.

BFOQ is not a general defense for customer preference, convenience or stereotypes.

14 ADVERSE IMPACT AND THE FOUR-FIFTHS RULE

The SHRM materials use adverse-impact analysis to help identify whether a selection practice may disproportionately exclude members of a protected group. The four-fifths, or 80%, rule is a screening guideline comparing selection rates.

The rule is an analytical indicator, not a declaration by itself that unlawful discrimination has occurred. Detailed selection-method analysis remains in Talent Acquisition and Analytical Aptitude.

15 HARASSMENT

Unlawful harassment is addressed within the employment discrimination framework. HR must distinguish ordinary workplace conflict or poor behavior from conduct connected to a legally protected characteristic and meeting the applicable legal standard.

QUID PRO QUO AND HOSTILE ENVIRONMENT

SHRM materials commonly distinguish quid pro quo harassment, in which employment consequences are conditioned on submission to or rejection of prohibited conduct, from hostile-environment harassment, which concerns prohibited conduct sufficiently serious under the applicable standard to alter working conditions.

Organizational prevention includes policy, reporting channels, manager training, prompt response and appropriate investigation processes.

16 RETALIATION

Retaliation involves prohibited adverse action because an individual engaged in protected activity, such as raising a discrimination concern or participating in a protected process.

A retaliation issue is analytically distinct from whether the underlying discrimination allegation ultimately succeeds. HR should therefore recognize protected activity and subsequent adverse action as a separate legal question.

17 EEOC ENFORCEMENT CONCEPTS

The EEOC administers and enforces major federal employment discrimination laws. SHRM learners should understand the role of administrative charges, employer response, investigation and agency enforcement within the level of detail provided by the materials.

The key study point is procedural recognition: an employee discrimination concern may trigger both an internal organizational process and an external administrative process.

18 FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) establishes core federal wage-and-hour requirements addressed in the SHRM curriculum, including minimum wage, overtime, recordkeeping and child-labor provisions.

EXEMPT VS. NONEXEMPT

Nonexempt employees are generally subject to FLSA minimum-wage and overtime protections. Exempt status depends on the legal requirements for the applicable exemption; job title alone does not determine exemption.

HOURS WORKED

Employers must understand what time counts as compensable work under the source-supported rules. Accurate timekeeping and manager practices are central compliance controls.

INDEPENDENT CONTRACTOR VS. EMPLOYEE

Worker classification can affect wage-and-hour and other legal obligations. The legal analysis depends on the applicable test rather than the label chosen by the parties.

19 FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) provides eligible employees of covered employers with qualifying job-protected leave under the conditions specified in the law.

SHRM exam analysis requires separating several questions: Is the employer covered? Is the employee eligible? Is the reason qualifying? What notice, certification or designation requirements apply? What employment and benefit protections accompany the leave?

FMLA VS. PAID LEAVE

FMLA is fundamentally a job-protection and leave-entitlement law; it should not automatically be equated with employer-paid leave. Other paid-leave sources may interact with FMLA.

20 EMPLOYEE BENEFITS REGULATION: ERISA AND COBRA

ERISA establishes federal requirements affecting many employer-sponsored benefit plans, including fiduciary and reporting responsibilities within the scope taught by SHRM.

COBRA provides qualifying individuals an opportunity to continue certain group health coverage after specified qualifying events, generally at their own cost under the applicable rules.

Benefit design and total-rewards strategy belong in Total Rewards; this guide focuses on the legal protections and employer compliance responsibilities.

21 NATIONAL LABOR RELATIONS ACT

The National Labor Relations Act (NLRA) protects employee rights related to organizing, collective activity and other protected concerted activity and establishes the federal labor-relations framework administered by the National Labor Relations Board (NLRB).

A crucial SHRM distinction is that NLRA protections are not limited to employees who already belong to a union. Certain concerted activity concerning terms and conditions of employment can be protected in nonunion workplaces as well.

PROTECTED CONCERTED ACTIVITY

When employees act together, or an employee acts on behalf of others, regarding workplace terms or conditions, the NLRA may be implicated. HR should not treat every workplace complaint solely as an individual employee-relations matter without considering protected activity.

22 OCCUPATIONAL SAFETY AND HEALTH ACT

The Occupational Safety and Health Act establishes the federal workplace-safety framework administered by OSHA. Employers have obligations related to providing a safe workplace and complying with applicable standards, reporting and recordkeeping requirements within SHRM's curriculum.

Risk Management teaches broader hazard identification, prevention and emergency preparedness. This section focuses on the regulatory obligation and enforcement framework.

23 IMMIGRATION REFORM AND CONTROL ACT / EMPLOYMENT ELIGIBILITY

Federal immigration-related employment requirements include verifying employment authorization through the required employment-eligibility process and avoiding prohibited discrimination in that process.

HR must distinguish authorization verification from assumptions about citizenship, national origin or immigration status. Detailed global mobility and immigration strategy belongs in Managing a Global Workforce.

24 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects qualifying individuals who leave civilian employment for service in the uniformed services and establishes reemployment and related protections within the statutory framework taught by SHRM.

The exam signal is military service affecting employment rights, reemployment or discrimination—not ordinary personal leave.

25 WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

WARN addresses advance notice requirements for covered employers in qualifying plant closings and mass layoffs.

The strategic workforce decision may arise elsewhere in the curriculum, but this functional area owns recognition of the legal notice obligation and compliance implications.

26 EMPLOYMENT-AT-WILL AND COMMON-LAW CONCEPTS

Employment-at-will generally describes an employment relationship that either party may end, subject to legal limitations. SHRM materials emphasize that at-will status does not override statutory protections, contractual obligations or recognized exceptions.

Common-law concepts can create obligations or exposure even when no specific employment statute controls. HR policies, representations and manager conduct therefore matter.

27 NEGLIGENT HIRING AND RETENTION

SHRM employment-law materials address employer exposure associated with failing to use reasonable care in hiring or retaining an individual when foreseeable harm is implicated.

The legal concept intersects with Talent Acquisition and Risk Management. This guide owns the legal recognition; those guides own selection systems and broader risk controls.

28 EMPLOYEE PRIVACY

Employee privacy is shaped by the type of information, workplace context, organizational policy and applicable legal requirements. SHRM expects HR professionals to understand that employers may have legitimate business interests in monitoring or information access while employees can retain legal protections in particular contexts.

Privacy should not be reduced to a blanket rule that either the employer may monitor everything or employees have complete workplace privacy.

29 FEDERAL, STATE AND LOCAL REQUIREMENTS

Employment obligations can arise at federal, state and local levels. Where requirements overlap, HR must identify which rules apply to the employer, employee and location.

The SHRM study materials emphasize compliance awareness rather than memorization of every jurisdiction's law. The exam may test recognition that a more protective applicable requirement can affect employer practice.

30 RECORDKEEPING, POSTING AND DOCUMENTATION

Many employment laws include recordkeeping, notice, posting or documentation requirements. These administrative obligations are not secondary details: they are part of legal compliance.

HR systems should support accurate records, required notices, consistent documentation and retrievability. Documentation should reflect what actually occurred rather than being created merely to defend a decision after the fact.

31 HIGH-VALUE DISTINCTIONS

Statute vs. regulation

A statute is enacted by a legislature; a regulation is issued by an authorized agency to implement or administer legal requirements.

Legal compliance vs. Ethical Practice

Compliance asks what law requires; Ethical Practice addresses professional and organizational ethical obligations. They can overlap but are not interchangeable.

Disparate treatment vs. disparate impact

Treatment is intentional differential treatment; impact can arise from a neutral practice without discriminatory intent.

Business necessity vs. BFOQ

Business necessity is associated with job-related justification in disparate-impact analysis; BFOQ is a narrow legally permitted qualification defense in specified contexts.

Adverse impact vs. proven discrimination

Adverse-impact analysis can signal a potential problem; a statistical screen alone does not establish the full legal conclusion.

Harassment vs. ordinary conflict

Legally actionable harassment is tied to the applicable protected basis and legal standard; incivility alone is not automatically unlawful harassment.

Discrimination vs. retaliation

Discrimination concerns prohibited treatment based on protected status; retaliation concerns adverse action because of protected activity.

ADA qualification vs. accommodation

Qualification asks whether essential job functions can be performed with or without accommodation; accommodation addresses effective modifications or adjustments.

FMLA vs. paid leave

FMLA provides qualifying protected leave; it is not inherently a paid-leave benefit.

Exempt vs. salaried

Receiving a salary does not by itself establish an FLSA exemption.

Employee vs. independent contractor

Classification depends on the governing legal test, not merely a contract label.

NLRA rights vs. union membership

Protected concerted activity can apply in nonunion settings; NLRA protection is not synonymous with union membership.

OSHA regulation vs. Risk Management

OSHA concerns legal workplace-safety obligations; Risk Management addresses the broader system for identifying and controlling organizational hazards and uncertainty.

COBRA vs. ordinary benefits eligibility

COBRA concerns continuation rights after qualifying events; ordinary plan eligibility is a broader benefits-administration question.

USERRA vs. general leave

USERRA concerns uniformed-service employment and reemployment protections; it is not simply another employer leave policy.

Federal law vs. organizational policy

A policy may provide more than the legal minimum, but it cannot erase an applicable legal obligation.

At-will employment vs. unlimited termination authority

At-will status remains subject to statutory, contractual and common-law limitations.

32 FAST RECOGNITION

MLS STUDY AID — These cues are derived from SHRM U.S. Employment Law & Regulations content. They are not official SHRM exam wording.

Cue	Recognition signal
01	A scenario centers on race, color, religion, sex or national origin discrimination: think Title VII.
02	Age 40 or older is the protected characteristic: think ADEA.
03	A qualified individual needs a workplace adjustment because of disability: think ADA and the accommodation process.
04	Genetic information is requested or used in an employment decision: think GINA.
05	The issue is sex-based pay for substantially equal work: think Equal Pay Act.
06	A neutral selection rule disproportionately excludes a protected group: think disparate impact; examine job-related justification rather than searching first for discriminatory intent.
07	An employee complains of discrimination and then experiences adverse action: analyze retaliation separately.
08	The issue is minimum wage, overtime, exempt status, hours worked or child labor: think FLSA.
09	The issue is qualifying job-protected family or medical leave: think FMLA.
10	Health coverage continuation after a qualifying event: think COBRA.
11	Employees act together about wages or working conditions, even without a union: think NLRA protected concerted activity.
12	The scenario centers on federal workplace-safety requirements or OSHA enforcement: think Occupational Safety and Health Act.
13	Employment authorization verification: think federal employment-eligibility requirements.
14	Military service creates reemployment or employment-protection issues: think USERRA.
15	A qualifying large layoff or plant closing raises advance-notice questions: think WARN.
16	The question asks what the organization should do when legal interpretation is uncertain or high stakes: gather facts and involve appropriate legal expertise rather than improvising a legal conclusion.

33 2026 SHRM BASK CONNECTION

The 2026 BASK distinguishes responsibilities applicable across HR career levels from advanced HR responsibilities. In U.S. Employment Law & Regulations, foundational application emphasizes recognizing applicable requirements, maintaining compliant HR practices, communicating obligations, documenting actions and escalating legal issues appropriately. Advanced application emphasizes governance, systemic compliance, strategic legal-risk implications, policy architecture and advising senior leaders.

ALL HR PROFESSIONALS — APPLICATION

- Recognizes employment-law requirements relevant to routine HR activities.

- Implements established policies, notices, records and procedures required for compliance.
- Applies nondiscrimination, leave, wage-and-hour, labor, safety and other requirements within assigned responsibilities.
- Documents employment actions and maintains required records.
- Responds to employee and manager questions within established authority and escalates complex legal issues.
- Supports investigations, agency responses and compliance reviews as assigned.

ADVANCED HR PROFESSIONALS — APPLICATION

- Evaluates enterprise employment practices for legal and regulatory implications.
- Advises senior leaders on workforce decisions affected by employment law.
- Develops or oversees compliant policy and governance frameworks.
- Coordinates with legal counsel and other functions on significant employment-law matters.
- Assesses patterns, organizational exposure and systemic compliance weaknesses.
- Leads changes to HR systems and practices when legal or regulatory requirements change.

For final production, the active 2026 BASK remains the controlling authority for exact proficiency-indicator wording. These statements synthesize the source-supported operational-versus-advanced distinction into instructional language rather than reproducing the BASK verbatim.

34 EXAM-LEVEL APPLICATION — OPERATIONAL / SHRM-CP VS. STRATEGIC / SHRM-SCP

Dimension	Operational / SHRM-CP	Strategic / SHRM-SCP
Legal recognition	Identifies the law or requirement affecting a specific employment situation.	Evaluates how legal requirements affect enterprise workforce strategy and organizational decisions.
Policies/processes	Applies established compliant procedures.	Designs, reviews or changes organizational policy architecture and governance.
Employee/manager support	Explains rights, obligations and next steps within authority.	Advises senior leaders on complex or organization-wide employment-law implications.
Documentation	Maintains required records and accurate case documentation.	Ensures systems support defensible, consistent and compliant documentation across the organization.
Agency/legal matters	Supports fact gathering and established response processes.	Coordinates significant legal matters with counsel and executive stakeholders.

Dimension	Operational / SHRM-CP	Strategic / SHRM-SCP
Compliance monitoring	Recognizes exceptions, errors and possible violations.	Evaluates patterns and systemic compliance risk across functions or locations.
Change in law	Implements updated procedures and communications.	Determines enterprise implications and leads strategic implementation of regulatory change.

The SHRM-SCP answer is not automatically the most legalistic, restrictive or escalated option. The appropriate action must fit the governing requirement, facts, organizational authority and scope. Strategic HR should know when legal expertise is necessary while still owning the organizational and workforce decisions that belong to HR.

35 CURRICULUM CROSS-REFERENCES

Related guide	What belongs there rather than here
Risk Management	Risk identification, assessment, mitigation, emergency preparedness and continuity beyond specific legal requirements.
Corporate Social Responsibility	Voluntary and strategic organizational responsibility beyond minimum legal compliance.
Ethical Practice	Professional integrity and ethical decision-making beyond legal minimums.
Talent Acquisition	Recruiting, selection systems and talent-acquisition strategy; this guide owns the legal requirements affecting those practices.
Total Rewards	Compensation and benefits strategy; this guide owns wage-and-hour and benefits-law requirements.
Employee Engagement & Retention	Engagement and retention strategy rather than legal entitlements.
Managing a Global Workforce	Cross-border workforce strategy and mobility; this guide focuses on U.S. employment requirements.
Analytical Aptitude	General data analysis and research methods; legal adverse-impact concepts remain here where assigned by SHRM.

36 SOURCE FOUNDATION

Controlling source:

- 2026 SHRM BASK — active exam authority for SHRM structure, terminology and proficiency-level expectations.

Primary instructional source:

- SHRM Certification Prep System — 2026 Workplace Domain, used as the current authority for Workplace Domain scope and U.S. Employment Law & Regulations placement.

Supporting SHRM source used only where consistent with current material:

- SHRM 2024 Workplace — U.S. Employment Law & Regulations, retained in the approved study-materials collection. It provides detailed instruction on sources of law, legal compliance essentials, use of legal counsel, nondiscrimination, wage-and-hour, leave, labor, safety and other employment-law topics assigned to this functional area.

Supplemental NotebookLM or learner-created summaries located in the approved study-materials collection were treated only as navigation/support aids and not as controlling authority where they went beyond the SHRM source.

Curriculum-control note: this guide does not independently add current legal developments, state-specific law or outside legal interpretations. The approved SHRM materials and 2026 BASK control the study scope.

Fast Recognition note: Fast Recognition is an MLS-created study aid, not official SHRM exam wording.