

Emergency Limitation Periods Extensions for Workers Act

Due to the COVID-19 pandemic, federal courts across the country are closed or operating in a limited capacity, and workers face increased barriers to accessing legal representation.¹ Despite this, the clock is still running on statute of limitations periods for federal labor and employment cases, potentially preventing workers from bringing cases or receiving the full recovery they should be entitled to.

A worker who is fired for reporting unsafe working conditions only has 30 days to file a complaint.² An employee experiencing racial discrimination in the workplace may have only 180 days to file a charge.³ A worker who has been disciplined for engaging in protected union activity has six months to file a charge with the National Labor Relations Board.⁴

In order to guarantee workers can have their rights protected, it is critical that they are able to seek legal remedies for violations of those rights. *The Emergency Limitation Periods Extensions for Workers Act* would extend the limitations period for filing a claim, charge, filing, or other request for a federal agency proceeding or complaint for a civil action under a labor or employment law for an additional 90 days after the termination of the public health emergency, plus the duration of any overlap with a COVID-19 public health emergency period and a limitations period.

The bill includes labor and employment claims filed, among other laws included in the bill, under:

- The Fair Labor Standards Act
- The Davis-Bacon Act
- The Occupational Safety and Health Act
- The Migrant and Seasonable Agricultural Worker Protection Act
- The National Labor Relations Act
- The Service Contract Act
- The Civil Rights Act of 1964 (Title VII)
- The Americans with Disabilities Act (Title I)
- The Genetic Information Nondiscrimination Act (Title II)
- The Family and Medical Leave Act

The *Emergency Limitation Periods Extensions for Workers Act* is endorsed by the National Employment Law Project, Economic Policy Institute, National Women's Law Center, National Employment Lawyers Association, and the Leadership Conference on Civil and Human Rights.

¹ Congressional Research Service, "The Courts and COVID-19," Joanna R. Lampe, March 30, 2020, <https://www.crs.gov/Reports/LSB10437>.

² OSHA, "Filing Whistleblower Complaints under Section 11(c) of the OSH Act of 1970," <https://www.osha.gov/Publications/OSHA3812.pdf>.

³ EEOC, "Time Limits For Filing A Charge," <https://www.eeoc.gov/time-limits-filing-charge>.

⁴ 29 USC 160 (b).