

Federal Employment Laws by Employment Size

State laws sometimes include additional or different requirements. When state and federal laws conflict, the employer should comply with the law most beneficial to the employee.

1 – 10 Employees		
Law	Category	Description
Consumer Credit Protection Act	Wages	Establishes a limit on the maximum wages that can be deducted from an employee check to satisfy a garnishment.
Employee Polygraph Protection Act	Hiring	Prohibits employers from requiring pre-employment polygraph (lie detector) tests
ERISA (Employee Retirement Income Security Act)	Benefits	Establishes rules and standards for administering employee benefit / welfare plans
Equal Pay Act	Wages	Prohibits wage discrimination. Requires equal pay for equal work.
FLSA (Fair Labor Standards Act)	Wages	Defines employment status as exempt from overtime, or non-exempt, addresses the differences between employees and independent contractors, as well as rules for minimum wage and overtime payments.
FICA (Federal Insurance Contributions Act)	Wages	A federal payroll tax that provides benefits to retirees, the disabled, and the children of deceased workers. Both employees and employers contribute to FICA, which funds Social Security and Medicare
IRCA (Immigration Reform and Control Act)	Hiring	Requires employers to require new employees to complete and I-9 form, and provide specific documents that verify their identify and eligibility to work in the United States.
NLRA (National Labor Relations Act)	Employee Relations	Protects employees by prohibiting unfair labor practices. Addresses rights to employee representation and unionization issues.
Taft-Hartley Act	Employee Relations	Protects management rights by prohibiting certain unfair labor practices by unions.
Uniform Guidelines of Employee Selection	Hiring	Mandates that pre-employment policies and practices, including pre-employment testing, be job-related. Practices can not have an adverse impact (negative impact, whether intentional or not) based on factors such as race, gender, or ethnicity.
USERRA (Uniformed Services Employment and Re-Employment Rights Act)	Discrimination	Prohibits discrimination based on current, past or pending military service. Requires reemployment upon return from duty.



11 – 14 Employees - ADD		
Law	Category	Description
OSHA (Occupational Safety and Health Act)	Safety	Establishes federal health and safety standards, including training

15 - 19 Employees - ADD		
Law	Category	Description
ADA (American with Disabilities Act)	Discrimination	Prohibits discrimination based on disability, history of disability, or a perceived disability. Requires and employee to provide <u>reasonable accommodation</u> by the employee, provided the accommodation does not provide an undue hardship.
Pregnancy Discrimination Act	Discrimination	Protects pregnant employees from being forced to resign or take a leave of absence.
Title VII of the Civil Rights Act	Discrimination	Prohibits the discrimination in all terms and conditions of employment (including pay and benefits) on the basis of race, religion, ethnic group, sex, national origin, or disability.

20 - 49 Employees - ADD		
Law	Category	Description
ADEA (Age Discrimination in Employment Act)	Discrimination	Prohibits discrimination against persons 40 years or older. Also prohibits mandatory retirement policies in most occupations.
COBRA (Consolidated Omnibus Budget Reconciliation Act)	Benefits	Requires employers to allow former employees and their dependents to extend health insurance coverage at group rates for 18 -36 months. COBRA has been amended to be subsidized by the federal government for up to 9 months in certain circumstances.

50 + Employees - ADD		
Law	Category	Description
FMLA (Family and Medical Leave Act)	Leaves of Absence	Requires employers to provide qualifying employees (having worked 12 months or 1,250 hours in the previous year) with up to 12 weeks leave during any 12 month period for the employee’s serious health condition, the serious health condition of a spouse, child or parent, and for the birth or adoption of a child. The FMLA regulations were expanded to cover leave required to care for an injured family member serving in the military or with a “qualifying exigency”



50 + Employees AND Employer has a Federal Contract(s)		
Copeland Act	Federal Contractors	Precludes federal contractors from inducing an employee to give up any part of compensation they are entitled (anti-kickback).
Davis Bacon Act	Federal Contractors	Requires federal contractors to pay minimum wage rates
Drug-Free Workplace Act	Federal Contractors	Requires federal contractors to have written drug-use policies and follow certain procedures to certify they maintain a drug-free workplace.
EEO-1 Report	Federal Contractors	Requires employers to provide a listing of number of employees in defined EEO job categories by race and gender.
Executive Orders 11246, 11375, 11478	Federal Contractors	Prohibits discrimination on the basis of race, color, religion, sex, or national origin and requires an Affirmative Action Plan to establish goals and plans to address underrepresented groups.
Vietnam Veterans Adjustment Act	Federal Contractors	Requires federal contractors to take affirmative action to hire and promote Vietnam-era veterans. Requires posting of job opportunities with local employment services.
Vocational Rehabilitation Act	Federal Contractors	Prohibits discrimination and requires affirmative action to employ and advance people with physical or mental disabilities

99 + Employees – ADD		
Law	Category	Description
EEO-1 Report	Reporting	Requires employers to provide a listing of number of employees in defined EEO job categories by race and gender (do not have to be a federal contractor)
WARN Workers Adjustment and Retraining Notice	Employment	Requires employers to provide notice of a plant closing or significant layoff

