

## **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<br>(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<br>(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<br>(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<br>(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<br>(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<br>(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**

| <b>Law</b>                                   | <b>Category</b> | <b>Description</b>  |
|--|-----------------|---|
| OSHA<br>(Occupational Safety and Health Act) | Safety          | Establishes federal health and safety standards, including training |

**15 - 19 Employees - ADD**

| <b>Law</b>                              | <b>Category</b> | <b>Description</b>   |
|---|-----------------|--|
| ADA<br>(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**

| <b>Law</b>  | <b>Category</b> | <b>Description</b>   |
|---|-----------------|--|
| ADEA<br>(Age Discrimination in Employment Act)            | Discrimination  | Prohibits discrimination against persons 40 years or older. Also prohibits mandatory retirement policies in most occupations.  |
| COBRA<br>(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**

| <b>Law</b>   | <b>Category</b> | <b>Description</b>  |
|--|-----------------|---|
| Patient Protection and Affordable Care ACT (PPACA) | Benefits        | The Affordable Care Act requires employers to provide employees working 30+ hours per week access to “affordable” health care. Health care costs cannot exceed 9.5% of household income. Employers are subject to penalties if coverage is not affordable and employees opt out of employer coverage in favor of coverage through the health insurance marketplace. |

### 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  |
|  | Federal Contractors |   |
| 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.  |
| FMLA<br>(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" |
| 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<br>Workers Adjustment and Retraining<br>Notice | Employment | Requires employers to provide notice of a plant closing or significant layoff  |

