Federal Employment Laws According to the Number of Employees

1- 14 Employees

**Fair Labor Standards Act (FLSA)** – Identifies employee status, establishes minimum wage and overtime as well as exempt and independent contractor status.

**Immigration Reform and Control Act (IRCA)** – Mandates that all new employees provide specific documentations to substantiate their right to work in the United States.

**Equal Pay Act (EPA)** – disallows discrimination for jobs done of the same, responsibilities, skill sets and effort.

**Health Insurance Portability and Accountability Act (HIPAA)** – Protection for employees under a group health plan to limit exclusions for pre-existing conditions or other general health conditions. Privacy for this information is also outlined.

**Employee Polygraph Protection Act** – Cannot require a polygraph for pre-employment consideration.

**National Labor Relations Act (NLRA)** – The Wagner Act – Disallows certain types of unfair labor practices and oversees the National Labor Relations Board.

**Consumer Credits Protection Act** – Sets specific limits to the amount and employee can have garnished from their paycheck.

**Labor-Management Relations Act** - Taft – Hartley Act – Disallows certain labor practices by unions.

**Occupational Safety & Health Act (OSHA)** – Outlines federal health and safety standards. Employers with less than 10 employees are exempt from certain reporting requirements.

**Federal Insurance Contributions Action (FICA)** – Federal payroll tax that applies to employers and employees to fund Social Security and Medicare.

**Uniform Guidelines of Employee Selection Procedures** – Makes any hiring practices that discriminate against employment such as ethnic group, sex and race unless there is a business necessity.

**Employee Retirement Income Security Act (ERISA)** – Mandates requirements and standards that ensure employees receive pension plan money that has been set aside. This also covers part-time employees working up to 1,000 hours a year.

Additionally for 15-19 Employees Add:

**Genetic Information Nondiscrimination Act (GINA)** – Health insurers are prohibited from discrimination based upon genetic information. This also disallows employers from requesting or requiring employees or their family members from sharing genetic information.

**Title I, Civil Rights Act** – Disallows discrimination for all terms of employment that are based upon sex, national origin, race, religion or disability.

**Title VII, Americans with Disabilities Act** - Provides protection for Americans with disabilities to be discriminated against based upon disability. An employer must make reasonable accommodations unless there is undue hardship placed upon the employer to meet those accommodations.

**Fair Credit Reporting Act** – Outlines employees’ and employer’s rights regarding information on credit history obtained through third party agencies and serves as the basis of an employment decision.

**Fair and Accurate Transaction Act (FACTA)** – Employers must make reasonable protections in regard to reducing identity or other similar issues with their employee’s confidential information.

**Pregnancy Discrimination Act** – Protects pregnant employees from being forced to take time off or quit their job.

20 - 49 Employees, add these:

**Consolidated Omnibus Budget Reconciliation Act (COBRA)** - Mandates employers to make available health insurance coverage up to 36 months after a qualifying event.

**Age Discrimination in Employment Act (ADEA)** – Prohibits discrimination for adults over 40 years of age and disallows a mandatory retirement age.

Over 49 Employees add these:

**Federal Contractors EEO-1** **- Report Filed Annually with EEOC**. Employers who are federal contractors of over $50,000 of value contracts; must submit a list and number of employees by sex and race for each EEO category.

**Family Medical Leave Act (FMLA)** – Provides employees that meet a given criteria the ability to take up to 12 weeks leave in a yearly span for the purpose of adoption, maternity, caring for a spouse, child or parent with a serious condition. Added in 2008, the **National Defense Authorization Act** amends FMLA to include up to 26 weeks for the care of an armed services member suffering from injury or illness during active duty.

Greater than 99 Employees, add these:

**Federal Contractors EEO-1** **- Report Filed Annually with EEOC if not a Federal Contractor**. Employers must submit a list and number of employees by sex and race for each EEO category.

**Worker Adjustment & Retraining Notification Act (WARN)** – Employers must give notice of upcoming plant closings or layoffs.

**Federal Contractors have special requirements that should be reviewed if the practice is handling contracts with the government.**