



Employment Laws and Helpful Links Based on Number of Employees

1 - 14 EMPLOYEES

Health Insurance Portability and Accountability Act (HIPAA)	Provides protections for participants and beneficiaries in group health plans, including limiting exclusions for preexisting conditions and general health conditions. Also establishes privacy protections for employees against unauthorized disclosure of health related information.
Fair Labor Standards Act (FLSA) (1938)	Regulates the status of employees (versus independent contractors) and provides for a minimum wage and overtime unless the employee meets an exempt classification.
Immigration Reform & Control Act (IRCA) (1986)	Requires that new employees provide specific documents to employers showing that they are who they claim to be and that they have a legal right to work in the United States. (I-9 forms)
Employee Polygraph Protection Act (1988)	Prohibits employers from requiring pre-employment polygraph examinations.
Uniformed Services Employment & Re-employment Rights Act (1994)	Prohibits discrimination against military service members because of past, current, or future military service. Protects military service workers' employment rights and benefits of employment.
Equal Pay Act (1963)	Prohibits wage discrimination by requiring equal pay for equal work of the same skills, effort, and responsibilities.
Consumer Credits Protection Act (1968)	Sets a national maximum limit on the amount of an employee's wages that can be withheld to satisfy wage garnishment.
National Labor Relations Act (NLRA) (Wagner Act) (1935)	Prohibits employers from certain unfair labor practices. Primary responsibility for enforcement rests on the National Labor Relations Board.
Labor-Management Relations Act (Taft-Hartley) (1947)	Protects management rights by prohibiting certain unfair labor practices by unions.
Employee Retirement Income Security Act (ERISA) (if offer benefits) (1974)	Establishes standards and requirements for the administration of employee benefit and welfare plans, to ensure employees will actually receive monies they set aside for a pension plan. The act also covers part-time employees working 1,000 hours a year.
Uniform Guidelines of Employee Selection Procedures (1978)	Prohibits selection policies and practices from having an adverse impact on the employment opportunities for any race, sex, or ethnic group unless it is a business necessity.
Federal Insurance Contribution's Act (FICA) (1935)	A federal payroll tax imposed on both employees and employers to fund Social Security and Medicare, which provides benefits to retirees, disabled, and children of deceased workers.
Occupational Safety & Health Act (OSHA) (1970)	Mandates compliance with federal health & safety standards. Employers with fewer than 10 employees are exempt from certain reporting requirements.

15 - 19 EMPLOYEES - ADD

Genetic Information Nondiscrimination Act (GINA)	Prohibits health insurers from discriminating based upon genetic information. Also prohibits employers from requesting or requiring employees or family members to provide genetic information.
Title VII, Civil Rights Act (1964) (1991)	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.

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[Title I, Americans with Disabilities Act \(1990\)](#)

Protects qualified individuals with disabilities from unlawful discrimination in employment. Discrimination is prohibited if the individual can do the essential job functions. An employer must make reasonable accommodations for such individuals unless doing so would place an undue hardship on the employer.

[Pregnancy Discrimination Act \(1978\)](#)

Protects pregnant employees from being forced to resign or take a leave of absence.

[Fair Credit Reporting Act \(FCRA\) \(1970\)](#)

Defines employees' and potential employees' rights regarding employers using information obtained by reports compiled by third party credit reporting agencies as the basis for employment decisions.

[Fair and Accurate Credit Transactions Act \(FACTA\) \(2003\)](#)

A federal law that requires employers to take reasonable measures to reduce the risk of identity theft and other harm to their employees, resulting from the employer's failure to properly dispose of confidential records.

20 - 49 EMPLOYEES - ADD

[Age Discrimination in Employment Act \(ADEA\) \(1967\)](#)

Prohibits discrimination in employment for persons 40 and over. Prohibits mandatory retirement ages.

[Consolidated Omnibus Budget Reconciliation Act \(COBRA\) \(1985\)](#)

Requires employers to permit employees to extend their health insurance coverage at group rates for up to 36 months following a qualifying event.

GREATER THAN 49 EMPLOYEES - ADD

[Family Medical Leave Act \(FMLA\) \(1993\)](#)

Provides that employees who have worked at least 12 months and at least 1,250 hours in the previous 12 months are eligible to take up to 12 weeks leave during any 12 month period for the purposes of: birth, adoption, or foster care of a child; caring for a spouse, child, or parent who has a serious health condition; or serious health condition of employee. Additionally, the National Defense Authorization Act of 2008 amends FMLA to allow a spouse, parent, son, daughter or next of kin up to 26 weeks to care for a member of the armed services suffering injuries or illness sustained while on active duty. Allows 12 weeks unpaid leave for a "qualifying exigency" for a son, daughter, parent or spouse on active duty.

[\(Federal Contractors\) EEO-1 Report filed annually with EEOC](#)

Requires federal contractors, with contracts valued at > \$50,000, to submit a list of the number of employees by race and sex for each EEO job category.

GREATER THAN 99 EMPLOYEES - ADD

[Worker Adjustment & Retraining Notification Act \(WARN\) \(1989\)](#)

Requires employers to give notice of plant closings or layoffs.

[EEO-1 Report filed annually with EEOC if not a federal contractor](#)

Requires employers to submit a list of the number of employees by race and sex for each EEO job category.

FEDERAL CONTRACTORS

[\(Federal Contractors\) Executive Orders 11246 \(1965\), 11375 \(1967\).](#)

Prohibits federal contractors, with contracts valued at > \$10,000, from discrimination on the basis of race, color, religion, sex, or national origin. In addition, the federal contractor must develop a written affirmative action plan, based upon the stipulations of each Executive Order.

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Employment Laws and Helpful Links Based on Number of Employees

11478 (1969)

(Federal Contractors)
Vocational Rehabilitation Act
(1971)

Prohibits federal contractors, with contracts valued at > \$10,000, from discriminating against people with physical or mental disabilities by requiring the contractor to take affirmative action in employing and advancing disabled individuals.

(Federal Contractors)
Drug Free Workplace Act
(1988)

Requires some federal contractors to have a written drug-use policies and follow certain requirements to certify that they maintain a drug-free workplace.

(Federal Contractors)
Vietnam-Era Veterans
Adjustment Act (1974)

Requires federal contractors, with contracts valued at > \$25,000, to take affirmative action in hiring and promoting of Vietnam-era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. All job opportunities must be registered with local employment services.

(Federal Contractors)
Davis Bacon Act (1931)

Requires federal contractors, with contracts valued at > \$2,000, performing construction, alteration, repair, painting or decoration on public buildings or public works to pay minimum wage rates for similar jobs in the community.

(Federal Contractors)
Copeland Act (1934)

Precludes federal contractors from inducing an employee to give up any part of compensation they are entitled (anti-kickback).

McNamara-O'Hara Service
Contract Act

Requires federal contractors, with contracts valued at > \$2,500, performing service, using service employees for the United States, to pay minimum wage rates for similar jobs in the community.

(Federal Contractors)
Walsh-Healy Act (1936)

Requires federal contractors, with contracts valued at > \$10,000, to pay wages equal to the area including minimum wage and overtime.

This is a summary of some of the federal human resources legislation which growing businesses should be aware of. It is by no means meant to be exhaustive of all legislation, nor is it meant to be interpreted as detailing the exact requirements of each law. Specific questions and actions should be directed to a consultant or employment attorney.

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