

FEDERAL LABOR LAWS BY EMPLOYEE COUNT

Note: Exceptions or additional regulations may apply to certain businesses. The following list is intended to reflect some of the primary employment laws that apply broadly.

1-14 EMPLOYEES

Law	Description
Consumer Credits Protection Act (1968)	Sets a national maximum limit on the amount of an employee's earnings that can be withheld to satisfy wage garnishment and protects employees from discharge by their employers because their wages have been garnished for any one debt.
Employee Polygraph Protection Act (1988)	Prohibits employers from requiring polygraph examinations during and before employment and prohibits retaliation for refusal to participate.
Employee Retirement Income Security Act (ERISA) (if offering benefits) (1974)	Establishes standards and reporting and disclosure 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.
Equal Pay Act (1963)	Prohibits gender based wage discrimination by requiring equal pay for equal work of the same skills, effort, and responsibilities performed under similar working conditions. Variances in pay must be attributed to a seniority, merit, or quantitative system other than gender.
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.
Fair Credit Reporting Act (FCRA) (1970)	Defines employees' and potential employees' rights regarding employer's use of information obtained by reports compiled by third party credit reporting agencies as the basis for employment decisions.
Fair Labor Standards Act (FLSA) (1938)	Regulates an individual's employment status (versus independent contractors), working conditions, and provides for a minimum wage and overtime unless the employee meets an exempt classification. Regulates the hiring, working conditions and types of jobs for minors.
Federal Insurance Contributions 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 peoples, and children of deceased workers.
Health Insurance Portability and Accountability Act (HIPAA)	Title I of HIPAA protects health insurance coverage for workers and their families when they change or lose their jobs. Title II of HIPAA, known as the Administrative Simplification (AS) provisions, requires the establishment of national standards for electronic health care transactions and national

	identifiers for providers, health insurance plans, and employers. HIPAA privacy provisions prohibit employers and other entities from disclosing Protected Health Information.
Immigration Reform & Control Act (IRCA) (1986)	Requires that employers verify the identity and employment eligibility of anyone hired to confirm that all new employees may legally work in the U.S. via completion of the Employment Eligibility Verification Form (I-9)
Labor-Management Relations Act (Taft-Hartley) (1947)	Pertains to the relationship between unions, employer, and union members. Provides guidelines for union activity by prohibiting certain unfair labor practices by unions.
Lilly Ledbetter Fair Pay Act (2007)	Prohibits pay discrimination and extends the statute of limitations for filing equal-pay lawsuits by resetting 180 day limit with each paycheck affected by the discriminatory pay.
National Labor Relations Act (NLRA) (Wagner Act) (1935)	Governs employer-employee relations. Protects employees' right to engage in protected activities, such as unionizing, and outlines various prohibited and permitted labor practices for employers. Primary responsibility for enforcement rests on the National Labor Relations Board.
Newborns' and Mothers' Health Protection Act of 1996	Requires plans that offer maternity coverage to pay for at least a 48-hour hospital stay following childbirth (96-hour stay in the case of a cesarean section).
Occupational Safety & Health Act (OSHA) (1970)	Mandates compliance with federal health and safety standards. Employers with fewer than 10 employees are exempt from certain reporting requirements.
Sarbanes-Oxley Act (2002)	Established to increase Corporate financial responsibility. Protects employees of publicly traded companies or companies required to make certain SEC filings from retaliation for reporting certain employer violations related to securities and banking.
Uniform Guidelines on Employee Selection Procedures (1978)	Established guidelines to ensure that selection procedures which are a basis for making employment decisions are job-related and valid predictors of job success. Prohibits selection policies and practices from having an adverse impact on the employment opportunities for any member of a protected class unless it is a business necessity.
Uniformed Services Employment & Re-employment Rights Act (USERRA) (1994)	Prohibits discrimination against military service members because of past, current, or future military service. Protects military service workers' reemployment and benefits rights when called to duty.

15-19 EMPLOYEES (IN ADDITION TO ABOVE)

Law	Description
Genetic Information Nondiscrimination Act (GINA) (2008)	Prohibits the use of genetic information in employment and restricts employers from requesting for requiring genetic information.
Pregnancy Discrimination Act (1978)	Protects pregnant employees from being retaliated against in any way due to pregnancy, child birth, or any related medical conditions. Defines pregnancy as a temporary disability for which reasonable accommodations are required.
Title I, Americans with Disabilities Act (1990)	Protects qualified individuals with disabilities from unlawful employment discrimination. Prohibits discrimination where an individual is capable of performing the essential job functions. Requires an employer to make reasonable accommodations for such individuals unless doing so would place an undue hardship on the employer.
Title VII, Civil Rights Act (1964 & 1991)	Prohibits discrimination in all terms and conditions of employment (including pay and benefits) on the basis of race, color, national origin, sex and religion.

20-49 EMPLOYEES (IN ADDITION TO ABOVE)

Law	Description
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) (1986)	Requires employers to permit employees to extend their health insurance coverage at group rates for up to 36 months following a qualifying event.

50-99 EMPLOYEES (IN ADDITION TO ABOVE)

Law	Description
Family Medical Leave Act (FMLA) (1993)	Provides employees who have at least one year of service and at least 1,250 hours in the previous 12 months 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, child, 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 child, parent, or spouse on active duty.
Mental Health Parity Act (1996) (MHPA)	(For employers who offer mental health benefits) Requires the mental health benefits to have annual dollar and lifetime limits that are equal to those of other health benefits.

Mental Health and Addiction Equity Act (2008)	(For employers who offer mental health benefits) Expands MHPA to require equality for treatment limits for mental health care and addiction services (with regard to other health benefits) in addition to dollar limits.
Patient Protection and Affordable Care Act (PPACA) – Employer Mandate	Requires employers with 50 or more full time equivalent employees to offer minimal essential health coverage at an affordable rate to all full time employees (30+ hours) or face a penalty.
(Federal Contractors) EEO-1 Report	Requires federal contractors, with contracts valued at > \$50,000, to submit data for a specific pay period including the number of employees by race and sex for each EEO job category annually to the EEOC.

100+ EMPLOYEES (IN ADDITION TO ABOVE)

Law	Description
(Private Employers) EEO-1 Report	Requires employers to submit data for a specific pay period including the number of employees by race and sex for each EEO job category to the EEOC annually.
Worker Adjustment & Retraining Notification Act (WARN) (1989)	Requires employers to provide 60 days advance notice of plant closings or mass layoffs.

FEDERAL CONTRACTORS

Law	Description
Contract Work Hours and Safety Standards Act	Requires federal contractors, with most contracts valued at >\$100,000 to pay 1.5 times the basic rate of pay to all laborers and mechanics for all hours worked over 40 in a workweek.
Executive Order 12989 (2009)	Requires all federal contractors and subcontractors to use E-Verify as of September 8, 2009. Executive Order 12989 mandates the electronic verification of all employees working on any federal contract.
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 and abide by certain safety and health standards.
Copeland Act (1934)	Precludes federal contractors from inducing an employee to give up any part of compensation they are entitled (anti-kickback).
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.
Drug Free Workplace Act (1988)	Requires companies receiving grants from the federal government and any company with a federal contract exceeding \$100,000 and all companies

	receiving federal grants to have a written drug-use policy and follow certain requirements to certify that they maintain a drug-free workplace.
Executive Orders 11246 (1965), 11375 (1967), 11478 (1969)	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.
Vietnam-Era Veterans Readjustment 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.
Vocational Rehabilitation Act (1973)	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.
Walsh-Healey Act (1936)	Requires federal contractors with contracts valued at >\$10,000, to pay a minimum wage equal to the prevailing wage and overtime. Prohibits employing anyone under the age of 16 or a current convict.

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