

Human Resources Series



# Federal Labor Laws

## BY COMPANY SIZE

An easy-to-understand guide featuring key federal labor laws organized by number of employees



# Federal Labor Laws by Company Size

**Special Note on Health Care Reform:** The Affordable Care Act includes comprehensive health insurance reforms with compliance requirements affecting employers of various sizes. For the latest information, please visit <http://www.dol.gov/ebsa/healthreform/>.

## 1 - 14 EMPLOYEES

### [Fair Labor Standards Act \(FLSA\)](#)

Establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting employees in the private sector and in federal, state, and local governments

### [Immigration Reform & Control Act \(IRCA\)](#)

Requires employers to collect information regarding an employee's identity and employment eligibility and document that information on Form I-9

### [Employee Polygraph Protection Act \(EPPA\)](#)

Prohibits employers from using lie detector tests, either for pre-employment screening or during the course of employment, with certain exemptions

### [Uniformed Services Employment & Reemployment Rights Act \(USERRA\)](#)

Prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve; also addresses health and pension plan coverage for service members

### [Equal Pay Act \(EPA\)](#)

Prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions

### [Consumer Credit Protection Act](#)

Protects employees from discharge by their employers because their wages have been garnished for any one debt, and limits the amount of an employee's earnings that may be garnished in any one week

### [National Labor Relations Act \(NLRA\) \(Wagner Act\)](#)

Prohibits employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective-bargaining purposes, or engaging in protected concerted activities, or refraining from any such activity

### [Labor-Management Relations Act \(Taft-Hartley Act\)](#)

Defines unfair labor practices by unions and regulates employer-union relations

### [Employee Retirement Income Security Act \(ERISA\)](#)

Regulates employers who offer pension or welfare benefit plans for their employees and sets minimum standards for retirement and health benefit plans in private industry

*Note: The terms "spouse" and "marriage" in Title I of ERISA will [generally be read](#) to include legally married same-sex couples.*

### [Federal Insurance Contributions Act \(FICA\)](#)

Imposes payroll taxes to provide benefits for retired workers and their dependents as well as for disabled workers and their dependents

# Federal Labor Laws by Company Size

## 1 - 14 EMPLOYEES (CONT'D)

### [Occupational Safety & Health Act \(OSH Act\)](#)

Created the Occupational Safety and Health Administration (OSHA) and assigns OSHA two regulatory functions: setting standards and conducting inspections to ensure that employers are providing safe and healthful workplaces

*Note: Employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records. As of January 1, 2015, a [new rule](#) revised the list of [partially exempt](#) industries and changed the criteria for all employers covered by the OSH Act to report severe injuries.*

### [Health Insurance Portability and Accountability Act \(HIPAA\)](#)

Provides a number of rights and protections for participants and beneficiaries in group health plans, including with respect to discrimination based on health status and special enrollment opportunities

*Note: The terms "spouse" and "marriage" in Title I of ERISA will [generally be read](#) to include legally married same-sex couples. Among other provisions, Title I includes the HIPAA portability rules.*

### [Jury System Improvements Act](#)

Prohibits employers from discharging or taking certain other actions against an employee summoned to serve as a juror in any court of the United States

### [Personal Responsibility and Work Opportunity Reconciliation Act \(PRWORA\)](#)

Requires employers to report certain information on their newly hired employees to a designated state agency

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

Protects the privacy of consumer report information, and guarantees the information supplied by consumer reporting agencies is as accurate as possible; sets forth legal obligations of employers who use consumer reports

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

Requires proper disposal of information in consumer reports and records to protect against unauthorized access to or use of the information

## 15+ EMPLOYEES ALSO NEED TO COMPLY WITH:

### [Title VII, Civil Rights Act \(Title VII\)](#)

Prohibits discrimination based on race, color, religion, sex, or national origin

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

Prohibits employment discrimination against qualified individuals with disabilities, and requires that employers reasonably accommodate known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the employer's business

### [Pregnancy Discrimination Act](#)

Prohibits sex discrimination based on pregnancy, childbirth, or related medical conditions

### [Genetic Information Nondiscrimination Act \(GINA\)](#)

Prohibits discrimination against applicants, employees, and former employees on the basis of genetic information

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## 20+ EMPLOYEES ALSO NEED TO COMPLY WITH:

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

Prohibits employment discrimination against persons 40 years of age or older

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

Provides employees and their family members (including [legally married same-sex spouses](#) who are otherwise eligible for coverage under the plan) the right to continue group health benefits for limited periods of time under certain circumstances when coverage under the plan would otherwise end, such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events

*Note: Group health plans sponsored by employers with 20 or more employees on more than 50 percent of their typical business days in the previous calendar year are [subject to COBRA](#) (part-time employees count as a fraction of an employee, equal to the number of hours the employee worked divided by the hours an employee must work to be considered full time).*

## 50+ EMPLOYEES ALSO NEED TO COMPLY WITH:

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

Entitles eligible employees (including those in [legal same-sex marriages](#)) to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave

*Note: Private sector employers who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year are [subject to FMLA](#). An employee must work at a location where the company employs 50 or more employees within 75 miles (and meet certain other requirements with respect to time worked) to be eligible for FMLA leave.*

## 100+ EMPLOYEES ALSO NEED TO COMPLY WITH:

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

Requires employers to provide notification 60 calendar days in advance of qualified plant closings and mass layoffs

### [EEO-1 Report \(annual filing\)](#)

Requires employers to provide a count of their employees by job category and then by ethnicity, race, and gender

## COMPLIANCE FOR FEDERAL CONTRACTORS

### [EEO-1 Report \(annual filing\) \(50+ EMPLOYEES\)](#)

Requires federal government contractors who have a contract, subcontract, or purchase order amounting to \$50,000 or more to provide a count of their employees by job category and then by ethnicity, race, and gender

### [Executive Order 11246](#)

Prohibits federal contractors that generally have contracts that exceed \$10,000 from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin (as well as sexual orientation or gender identity, for contracts entered into or modified on or after April 8, 2015); also requires covered contractors to take affirmative action to ensure equal opportunity in all aspects of employment

# Federal Labor Laws by Company Size

## COMPLIANCE FOR FEDERAL CONTRACTORS (CONT'D)

### [Rehabilitation Act, Section 503](#)

Prohibits discrimination; requires employers with federal contracts exceeding \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities

### [Drug-Free Workplace Act](#)

Requires some federal contractors to provide drug-free workplaces as a precondition of receiving a contract from a federal agency and prescribes actions to comply with the Act

### [Vietnam Era Veterans' Readjustment Assistance Act \(VEVRAA\)](#)

Requires covered federal government contractors to take affirmative action to employ and advance in employment specified categories of veterans and prohibits discrimination against such veterans; requires contractors to list employment openings with the appropriate employment service delivery system and that covered veterans receive priority in referral to such openings; also includes annual reporting requirements

### [Davis-Bacon Act](#)

Requires contractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works to pay laborers employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area

### [Copeland "Anti-Kickback" Act](#)

Prohibits federal contractors engaged in building construction or repair from inducing an employee to give up any part of the compensation to which he or she is entitled under his or her employment contract and requires weekly statements of compliance

### [McNamara-O'Hara Service Contract Act \(SCA\)](#)

Requires contractors performing services on covered federal contracts in excess of \$2,500 to pay service employees in various classes no less than the monetary wage rates and to furnish fringe benefits found prevailing in the locality, or the rates contained in a predecessor contractor's collective bargaining agreement

### [Walsh-Healey Public Contracts Act \(PCA\)](#)

Requires contractors engaged in the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia to pay employees who produce, assemble, handle, or ship goods under contracts exceeding \$10,000 the federal minimum wage for all hours worked and time and one half their regular rate of pay for all hours worked over 40 in a workweek

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