

COMPLIANCE OVERVIEW

Provided by Cowden Associates, Inc.

Which Federal Employment Laws Apply to My Company?

There are a number of different federal employment laws that have their own rules for covered employers. Employers should be aware of the federal employment laws that may apply to their company.

An employer's size, or number of employees, is a key factor in determining which federal employment laws the employer must comply with. Some federal laws, such as the Equal Pay Act, apply to all employers, regardless of size. However, other laws, such as the Family and Medical Leave Act, only apply to employers that reach a certain employee count. Also, some federal laws, such as COBRA, include exclusions for certain types of employers (for example, churches).

This Compliance Overview provides a high-level overview of key federal employment laws and explains which employers they apply to. Most states also have their own labor and employment laws. This summary does not address state labor laws, and it also does not address additional compliance requirements for companies that contract with the federal government or businesses in specific industries.

LINKS AND RESOURCES

- DOL's "[FirstStep Employment Law Advisor](#)," which helps companies determine which labor laws apply to their business
- DOL's [webpage](#), which includes links to each state's labor office
- EEOC's [compliance resources](#) for employers and small businesses

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

HIGHLIGHTS

EMPLOYERS OF ALL SIZES

- Equal Pay Act
- Fair Labor Standards Act
- Occupational Safety and Health Act
- Immigration Reform and Control Act
- Employee Retirement Income Security Act (ERISA)

BASED ON EMPLOYEE COUNT

- Family and Medical Leave Act
- Fair employment laws, such as the Americans with Disabilities Act and the Title VII of the Civil Rights Act
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- EEO-1 reporting

COWDEN

444 Liberty Avenue, Suite 605
Pittsburgh, PA 15222
Ph: 412.394.9330
Website: www.cowdenassociates.com

FEDERAL EMPLOYMENT LAWS

Law	Brief Description	Covered Employers
<u>Age Discrimination in Employment Act (ADEA)</u>	Prohibits employers from discriminating against employees or applicants who are age 40 or older based on their age.	Private-sector employers with 20 or more employees and state and local governments
<u>Americans with Disabilities Act (ADA)</u>	Prohibits employers from discriminating against qualified individuals with disabilities in all employment practices, such as recruitment, compensation, hiring and firing, job assignments, training, leave and benefits.	All employers with 15 or more employees
<u>Consolidated Omnibus Budget Reconciliation Act (COBRA)</u>	Requires employer-sponsored group health plans to offer continuation coverage to eligible employees and their dependents when coverage would otherwise be lost due to certain events (for example, a termination of employment).	Private-sector employers with 20 or more employees that sponsor group health plans. Most group health plans sponsored by state and local governments are also covered. Group health plans sponsored by churches are exempt.
<u>Consumer Credit Protection Act (CCPA)</u>	Protects employees from discharge 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.	All employers, regardless of size
<u>Employee Polygraph Protection Act (EPPA)</u>	Prohibits employers from using lie detector tests, either for pre-employment screening or during the course of employment, with certain exceptions.	All employers, regardless of size Does NOT apply to federal, state and local governments
<u>Employee Retirement Income Security Act (ERISA)</u>	Sets minimum standards for employee benefit plans, including retirement plans, such as 401(k) plans, and welfare benefit plans, such as group health plans.	All private-sector employers, regardless of size, that maintain employee benefit plans. Government and church employers are exempt.

<p><u>EEO-1 Report</u></p>	<p>The Employer Information Report EEO-1 (commonly known as the EEO-1 Report) requires employers to submit employment data categorized by race/ethnicity, gender and job category to the EEOC.</p>	<p>Private-sector employers with 100 or more employees.</p> <p>State and local governments, primary and secondary school systems, institutions of higher learning and tax-exempt private membership clubs other than labor organizations are exempt from this reporting requirement.</p>
<p><u>Equal Pay Act (EPA)</u></p>	<p>Employers must provide equal compensation to men and women who perform equal work within the same workplace.</p>	<p>Virtually all employers are covered, regardless of size.</p>
<p><u>Fair Labor Standards Act (FLSA)</u></p>	<p>Establishes minimum wage, overtime, recordkeeping and child labor standards for employers.</p>	<p>Virtually all employers are covered, regardless of size.</p>
<p><u>Family and Medical Leave Act (FMLA)</u></p>	<p>Requires employers to provide eligible employees with unpaid, job-protected leave for specified family and medical reasons.</p>	<p>Private-sector employers with 50 or more employees, public agencies (for example, state and local governments), the federal government and local educational agencies</p>
<p><u>Genetic Information Nondiscrimination Act (GINA)</u></p>	<p>Prohibits employers from discriminating against employees or applicants based on their genetic information.</p>	<p>All employers with 15 or more employees</p>
<p><u>Immigration Reform and Control Act (IRCA)</u></p>	<p>Employers are prohibited from hiring and retaining employees who are not authorized to work in the United States. Employers and employees must complete the <u>Form I-9</u> (Employment Eligibility Verification Form).</p>	<p>All employers, regardless of size</p>
<p><u>Occupational Safety and Health Act (OSH Act)</u></p>	<p>Requires employers to provide a safe workplace for their employees. Coverage is provided through either the federal Occupational Health and Safety Administration (OSHA) or by an OSHA-approved state job safety and health plan.</p>	<p>Virtually all private-sector employers, regardless of size</p> <p>Workers at state and local government agencies are NOT covered by federal OSHA but are protected under the OSH Act if they work in states that have OSHA-approved state</p>

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		programs.
<u>Pregnancy Discrimination Act (PDA)</u>	Prohibits workplace discrimination based on pregnancy, childbirth or related medical conditions.	All employers with 15 or more employees
<u>Title VII of the Civil Rights Act</u>	Prohibits employers from discriminating in the workplace based on race, color, religion, sex or national origin.	All employers with 15 or more employees
<u>Uniformed Services Employment and Reemployment Rights Act (USERRA)</u>	Prohibits employers from discriminating against individuals on the basis of membership in the uniformed services with regard to any aspect of employment.	All employers, regardless of size
<u>Worker Adjustment and Retraining Notification (WARN) Act</u>	Employers are required to provide a 60-day advance notice to employees of imminent covered plant closings and covered mass layoffs.	Private-sector employers with 100 or more employees. Regular federal, state and local government entities that provide public services are NOT covered.