

COMPLIANCE OVERVIEW

Provided by Touchstone Consulting Group

Federal Employment Laws by Employer Size

An employer's size, or number of employees, is a key factor in determining which federal labor laws the employer must comply with. Some federal labor 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.

Employers should be aware of the federal labor laws that may apply to their company based on their size. This is especially important for employers that have fluctuating workforce numbers or that are considering hiring additional employees. In general, the more employees that an employer has, the more compliance obligations it will have under federal labor laws.

This Compliance Overview provides a guide of key federal labor laws that apply based on employer size. 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](#)" helps companies determine which labor laws apply to their business
- DOL's [webpage](#) that 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

EMPLOYERS WITH 50+ EMPLOYEES

- Family and Medical Leave Act
- Affordable Care Act – employer shared responsibility rules
- Fair employment laws, such as the Americans with Disabilities Act and the Title VII of the Civil Rights Act
- Consolidated Omnibus Budget Reconciliation Act

EMPLOYERS OF ALL SIZES

Law	Brief Description	Poster/Notice Requirement	Resources
Immigration Reform and Control Act (IRCA)	Employers are prohibited from hiring and retaining employees who are not authorized to work in the United States. Employers and employees must complete the Form I-9 (“Employment Eligibility Verification Form”). Employers must retain a Form I-9 for each person hired and make it available for inspection by authorized government officers.	N/A	Handbook for Employers, Guidance for Completing Form I-9
Equal Pay Act (EPA)	Employers must provide equal compensation to men and women who perform equal work within the same workplace.	“EEO is the Law” poster	Facts about Equal Pay and Compensation Discrimination – a publication by the Equal Employment Opportunity Commission (EEOC)
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 exceptions.	EPPA poster	Employment Law Guide: Lie Detector Tests – a guide by the DOL’s Wage and Hour Division (WHD)
Fair Labor Standards Act (FLSA)	Establishes minimum wage, overtime, recordkeeping and child labor standards for employers.	FLSA Minimum Wage poster	Handy Reference Guide to the Fair Labor Standards Act – a guide by the DOL’s WHD
Occupational Safety and Health Act (OSH Act)	Requires employers to provide a safe workplace for their employees. The law created the Occupational Health and Safety Administration (OSHA), a federal agency that sets and enforces protective workplace safety and health standards.	Job Safety and Health Protection poster	At-a-glance OSHA – a short guide from OSHA
Employee Retirement Income Security Act (ERISA)	Sets minimum standards for employee benefit plans, including retirement plans, such as 401(k) plans, and welfare benefit plans, such as group health plans.	N/A	DOL’s Employee Benefits Security Administration’s (EBSA) webpage on ERISA compliance

Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits employers from discriminating against individuals on the basis of membership in the uniformed services with regard to any aspect of employment.	USERRA poster	USERRA Guide – a guide from the Veteran’s Employment Training Service (VETS)
Consumer Credit Protection Act (CCPA)	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.	N/A	Employment Law Guide: Wages and Hours Worked: Wage Garnishment – a guide by the DOL’s WHD
Jury Systems Improvement Act	Prohibits employers from discharging or taking other adverse employment action against employees who are summoned to jury duty in federal court. Most states also have their own employment laws regarding jury duty.	N/A	28 U.S. Code Section 1875 (Protection of jurors’ employment)

EMPLOYERS WITH 15 OR MORE EMPLOYEES

Law	Brief Description	Poster/Notice Requirement	Resources
Americans with Disabilities Act (ADA)	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.	“EEO is the Law” poster	Facts about the Americans with Disabilities Act – an EEOC publication
Genetic Information Nondiscrimination Act (GINA)	Prohibits employers from discriminating against employees or applicants based on their genetic information.	“EEO is the Law” poster	Facts about the Genetic Information Nondiscrimination Act – an EEOC publication
Pregnancy Discrimination Act (PDA)	Prohibits workplace discrimination based on pregnancy, childbirth or related medical conditions.	“EEO is the Law” poster	Facts about Pregnancy Discrimination – an EEOC publication

Title VII of the Civil Rights Act	Prohibits employers from discriminating in the workplace based on race, color, religion, sex or national origin.	“EEO is the Law” poster	EEOC webpage with links to compliance resources based on type of discrimination (for example, national origin)
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EMPLOYERS WITH 20 OR MORE EMPLOYEES

Law	Brief Description	Poster/Notice Requirement	Resources
Age Discrimination in Employment Act (ADEA)	Prohibits employers from discriminating against employees or applicants who are age 40 or older based on their age.	“EEO is the Law” poster	Facts about Age Discrimination – an EEOC publication
Consolidated Omnibus Budget Reconciliation Act (COBRA)	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).	General Notice of COBRA Rights (must be provided within first 90 days of group health plan coverage). Other notice requirements apply when a qualifying event occurs.	An Employer’s Guide to Group Health Continuation Coverage – A resource from the DOL’s EBSA

EMPLOYERS WITH 50 OR MORE EMPLOYEES

Law	Brief Description	Poster/Notice Requirement	Resources
Family and Medical Leave Act (FMLA)	Requires employers to provide eligible employees with unpaid, job-protected leave for specified family and medical reasons.	FMLA Poster	The Employer’s Guide to the FMLA – a publication of the DOL’s WHD
Affordable Care Act (ACA) – Employer Shared	Applicable large employers (ALEs) must offer affordable, minimum value health coverage to their full-time employees (and	N/A	Internal Revenue Service’s (IRS) Questions and Answers on the

<p>Responsibility Rules</p>	<p>dependents) or risk paying a penalty. An ALE will face a penalty if one or more full-time employees obtain a subsidy through an Exchange. An individual may be eligible for a subsidy either because the ALE does not offer coverage, or offers coverage that is “unaffordable” or does not provide “minimum value.”</p>	<p>employer shared responsibility rules</p>
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EMPLOYERS WITH 100 OR MORE EMPLOYEES

Law	Brief Description	Poster/Notice Requirement	Resources
<p>Worker Adjustment and Retraining Notification (WARN) Act</p>	<p>Employers are required to provide a 60-day advance notice to employees of imminent covered plant closings and covered mass layoffs.</p>	<p>Must provide 60-day advance notice of covered plant closing and mass layoffs. No model notice is available, although there are specific content requirements for this notice.</p>	<p>Employer’s Guide to the WARN Act</p>
<p>EEO-1 Report</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, job category, and wages and hours to the EEOC.</p>	<p>EEO-1 Report</p>	<p>EEOC’s webpage on EEO-1 reporting</p>