

Federal Employment Law Compliance Checklist

1+ Employee

- Consumer Credit Protection Act (CCPA)**
Prohibits employers to discharge or take other adverse action against an employee because the employee's wages have been subjected to garnishment for any one debt.
- Employment Retirement Income Security Act (ERISA)**
Requires employers to provide participants of private pension and health plans information regarding plan features, funding, and responsibilities. One key provision of ERISA is COBRA.
- Employee Polygraph Protection Act (EPPA)**
Prohibits most private employers from using lie-detector tests either for pre-employment screening or during the course of employment. Employers generally may not require or request any employee or job applicant to take a lie-detector test or discharge, discipline, or discriminate against an employee or job applicant for refusing to take a test or for exercising other rights under the EPPA.
- Equal Pay Act (EPA)**
Makes it unlawful for an employer to pay employees who perform the same work at different rates of pay based upon gender. If jobs require the same skill, effort, and responsibility and are performed under similar working conditions, female employees must be paid the same as their male co-workers.
- Fair Labor Standards Act (FLSA)**
A federal law which establishes minimum wage, overtime pay eligibility, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. The FLSA also defines employee restrictions related to exempt (not entitled to overtime) and non-exempt (entitled to overtime and scheduled breaks) employees.
- Fair and Accurate Credit Transactions Act (FACT)**
Requires employers to provide notice and obtain authorization from an individual before engaging a third party to gather and provide a consumer report or an investigative consumer report. Also requires employers to carefully dispose of consumer credit information to prevent unauthorized access.
- Federal Income Tax Withholding**
Requires employers to withhold and pay the federal government a set percentage of employee wages for the federal government.
- Federal Insurance Contribution Act (FICA)**
Requires employers to withhold and pay the federal government a set percentage of employee wages for Social Security and Medicare.
- Health Insurance Portability and Accountability Act (HIPAA)**
Controls how a health plan or a covered health care provider shares your protected health information with an employer.

- Immigration Reform & Control Act (IRCA)**
Prohibits employers from hiring or referring individuals who are not authorized to work in the United States. Employers are also required to thoroughly check the identity and employment authorization of employees via the Form I-9.
- National Labor Relations Act (NLRA)**
Prohibits employment discrimination based on employees' efforts to organize, support, or join labor unions or to work together to obtain changes in terms and conditions of employment.
- Occupational Safety and Health Act (OSHA)**
Requires employers provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- Sarbanes-Oxley Act (SOX)**
Requires publicly traded companies to make certifications about their financial conditions and imposes stiff penalties on companies and their officers for misrepresenting their finances to shareholders and would-be investors.
- Uniform Guidelines for Employment Selection Procedures (UGESP)**
Prohibits employers from discriminating against employees or applicants on the basis of race, color, religion, sex, or national origin.
- Uniformed Services Employment & Reemployment Rights Act (USERRA)**
Requires employers to permit employees absent from work for military duty to retain their employment rights for up to five years. Also requires employers to make reasonable efforts to accommodate veterans' disabilities.

11+ Employees

- Employers of this size are required to maintain records in compliance with OSHA.

15+ Employees

- American with Disabilities Act (ADA)**
Makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications.
- Genetic Information Nondiscrimination Act (GINA)**
Prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.
- Title VII, Civil Rights Act of 1964**
Title VII prohibits sexual harassment and other forms of sex discrimination in workplaces. Key expansions and amendments include the Lilly Ledbetter Fair Pay Act and the Civil Rights Act of 1991.

20+ Employees

- Age Discrimination in Employment Act (ADEA)**
Makes it unlawful for employers to discriminate against workers age 40 and older in hiring practices and employment decisions.
- Consolidated Omnibus Budget Reconciliation Act (COBRA)**
Requires employers offer individuals who experience a job loss or other qualifying event the option to continue their health insurance for a limited time (18 – 36 months depending on circumstances) after employment ends.

50+ Employees

- Affordable Care Act (ACA)**
Requires “applicable large employers” or ALEs (those with 50 or more full-time employees working at least 30 hours per week or their equivalents when adding together part-time hours) offer insurance to full-time employees that meets the ACA’s specifications or pay a fine.
- Family and Medical Leave Act (FMLA)**
Provides certain employees with up to 12 weeks of unpaid, job-protected leave per year for a serious family illness or following the birth, adoption, or foster placement of an employee’s child. It also requires that their group health benefits be maintained during the leave.
- Affirmative Action Program (AAP)**
For federal contractors and subcontractors, affirmative action must be taken by covered employers to recruit and advance qualified minorities, women, persons with disabilities, and covered veterans. Affirmative actions include training programs, outreach efforts, and other positive steps. These procedures should be incorporated into the company’s written personnel policies. Employers with written affirmative action programs must implement them, keep them on file and update them annually.

100+ Employees

- EEO-1 Survey Filing (Title VII, Civil Rights Act of 1964)**
Requires employers report on the racial/ethnic and gender composition of their workforce by specific job categories, referred to as component 1 data.
- Worker Adjustment Retraining Notification Act (WARN)**
Requires employers notify employees of mass layoffs and workplace closings at least 60 calendar days in advance of the event.

How EmPower HR Can Help?

EmPower HR offers a variety of human resource services tailored to your business needs. Let us handle the HR administrative tasks so you can focus on your business and employees.

Learn more at empowerhr.com

This document was prepared by EmPower HR and includes HR best practices, not legal advice. Please consult with your legal professionals before enforcing any process or policies related to the ETS guidelines