



HR Solutions by Design, LLC

‘Taking care of your employees so you can take care of **BUSINESS**’

## Major Federal Laws Affecting Employment

Act or Regulation	Description	Minimum # of Employees to be covered by the act
Occupational Health & Safety Act (OSHA) (1970)	Mandates compliance with federal health & safety standards, including recordkeeping, reporting, posting and inspection.	1+
Employee Retirement Income Security Act (1974)	Establishes standards and 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. Requires extensive pension and welfare plan reporting plus disclosure to plan participants and beneficiaries.	1+
Labor-Management Relations Act (Taft-Heartley Act) (1947)	Protects management rights by prohibiting certain unfair labor practices by unions. Provides that employees have rights to engage in protected concerted activity, organize and decertify union.	1+
National Labor Relations Act (Wagner Act) (1935)	Prohibits employers from certain unfair labor practices. Primary responsibility for enforcement rests on the National Labor Relations Board.	1+
Consumer Credits Protection Act (1960)	Sets a national maximum limit on the amount of an employee,s wages that can be withheld to satisfy wage garnishment.	1+
Equal Pay Act (1963)	Prohibits wage discrimination by requiring equal pay for equal work of the same skills, effort, and responsibilities.	1+
Uniformed Services Employment & Reemployment Rights Act (1994)	Prohibits discrimination against military service members because of past, current, or future military service. Protects military service workers, employment and rights and benefits of employment. Guarantees the reemployment of veterans and other members of the uniformed services returning to their prior employment.	1+



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Employee Polygraph Protection Act (1988)	Prohibits employers from requiring pre-employment polygraph examinations. Also prohibits their results in private employment; limited exceptions apply for certain internal investigations.	1+
Immigration Reform and Control Act (1988)	Requires that new employees provide specific documents to employers showing that they are who they claim to be and that they have a legal right to work in the United States. (I-9 forms). Nondiscrimination of Aliens in the US for employment eligibility.	1+
Fair Labor Standards Act (1938)	Regulates the status of employees (versus independent contractors) and provides for a minimum wage and overtime unless the employee meets an exempt classification.	1+
Federal Income Tax Withholding	Establishes tax which every employer must withhold or deduct from employees' wages.	1+
Federal Insurance Contribution Act/Social Security Act (FICA)	Employer and employee each must contribute percentage of wages, subject to annual adjustment, for Social Security and Medicare taxes.	1+
Federal Unemployment Tax Act	Must contribute 0.8% (varies with credits for participation in state unemployment program) of up to \$7,000 of each employee's wages.	1+
Health Insurance Portability and Accountability Act HIPAA (1996)	Prohibites discrimination based on health-related factors in providing group health insurance benefits; requires certification of participant's periods of group health coverage; limits pre-existing condition exclusion periods;; expands and clarifies COBRA coverage.	2+
Pregnancy Discrimination Act (1978)	Protects pregnant employees from being forced to resign or take a leave of absence.	15+



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Act or Regulation	Description	Minimum # of Employees to be covered by the act
Title I Americans with Disabilities Act (1990)	Protects qualified individuals with disabilities from unlawful discrimination in employment. Discrimination is prohibited if the individual can do the essential job functions. An employer must make reasonable accommodations for such individuals unless doing so would place an undue hardship on the employer.	15+
Title VII Civil Rights Act (1964) (1991)	Prohibits the discrimination in all terms and conditions of employment (including pay and benefits) on the basis of race, religion, ethnic group, sex, national origin, or disability.	15+
Age Discrimination in Employment Act (ADEA) 1967	Prohibits discrimination in employment for persons 40 and over. Prohibits mandatory retirement ages.	20+ Employees
Consolidated Omnibus Budget Reconciliation Act (COBRA) 1985	Requires employers to permit employees to extend their health insurance coverage at group rates for up to 36 months following a qualifying event.	20+ Employees
(Federal Contractors) Vietnam Era Veterans' Readjustment Assistance Act - VEVRAA (1974)	Requires federal contractors to take affirmative action in hiring and promoting of Vietnam-era veterans. All job opportunities up to \$25,000 must be registered with local employment services.	50+
(Federal Contractors) Davis-Beacon Act (1931)	Requires federal contractors to pay minimum wage rates for similar jobs in the community.	50+
(Federal Contractors) Copeland Act (1934)	Precludes federal contractors from inducing an employee to give up any part of compensation they are entitled (anti-kickback).	50+
(Federal Contractors) Walsh-Healy Act (1936)	Requires federal contractors to pay wages equal to the area including minimum wage and overtime.	50+



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Mental Health Parity Act (1996)	Provides for parity in the applications of aggregate lifetime and annual dollar limits on mental health benefits with dollar limits on medical/surgical benefits. Does not apply to substance abuse/chemical dependency. Only applies to health plans which do include mental health benefits.	50+
(Federal Contractors) Vocational Rehabilitation Act (1971)	Prohibits federal contractors from discriminating against people with physical or mental disabilities by requiring the contractor to take affirmative action in employing and advancing disabled individuals.	50+
(Federal Contractors) Drug-Free Workplace Act (1988)	Requires federal contractors to have a written drug-use policies and follow certain requirements to certify that they maintain a drug-free workplace.	50+
(Federal Contractors) EEO-1 Reporting	Requires federal contractors to submit a list of the number of employees by race and sex for each EEO job category.	50+ Employees
Family Medical Leave Act (FMLA) 1993	Provides that employees who have worked 12 months or 1,250 hours in the previous are eligible 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.	50+ Employees
(Federal Contractors) Executive Orders 11246 (1965), 11375 (1967) and 11478 (1969)	Prohibits federal contractors 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.	50+ Employees
Worker Adjustment & Retraining Notification Act - WARN (1989)	Requires 60 days notice, with some exceptions, to employees and state and local governments before layoffs of 50 or more employees.	100+
EEO-1 Report Filed Annually if not a Federal Contractor	Requires employers to submit a list of the number of employees by job category. The report must be filed by September 30 of each year.	100+



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2009 Significant Health & Group Benefits Legislative Actions		
Law	Description	Minimum # of Employees
American's with Disabilities Act (ADA)	Prohibits consideration of medication and medical supplies, but not corrective lenses, in determining if an impairment substantially limits a major life activity	15+
COBRA (amended by the American Recovery & Reinvestment Act (ARRA))	Involuntarily terminated employees eligible for subsidy for up to 9 months, equal to 65% if COBRA premium. Termination and loss of coverage must occur between 9/1/08& 12/31/09. (Subsidy is not retroactive to date of termination if prior to February 17, 2009)	20+
Family Medical Leave Act (FMLA)	Clarifies definition of "serious health condition"; provides optional forms employers can use for employees requesting FML; and sets forth rules for 2 new types of military FML added in 2008.	50+
Medicare, Medicaid and SSHIP Extension Act of 2007	Adds mandatory reporting requirements for self-funded entities to enable CMS to determine if Medicare has primary payment responsibility	
Child Health Insurance Program Reauthorization	Group health plans must permit employees and dependents to enroll in the plan if they lose Medicaid or CHIP coverage or become eligible to participate in a Medicaid or CHIP premium assistance program.	
Health Information Technology for Economic and Clinical Health (HITECH) was included in one title	Requires covered entities to notify individuals when unsecured Protected Health Information (PHI) subject to breach of security. Standards for securing PHI introduced.	
Genetic Information Nondiscrimination Act GINA (2008)	Restricts the use of genetic information in connection with health coverage and employment; prohibits employers from restricting plan enrollment or adjusting premiums or contribution amounts based on genetic information.	
HR 2851 "Michelle's Law"	Requires a period of continued coverage for students who must take a medically necessary leave of absence from school due to a serious illness or injury; coverage must be continued until 1 year after the 1st day of the LOA or the date coverage would otherwise terminate under the employer's plan, whichever is 1st. Applies to plan years beginning on or after 10/9/09. For calendar year plans it is effective 1/1/10.	