



# LET US HELP YOU COMPLY

GOVERNMENT HAS A LOT OF RULES – WE CAN HELP!

## FEDERAL LABOR LAW CHECKLIST

Law Title	Number of Employees						Federal Contractors
	1-14	11-14	15-19	20-49	50+	100+	
Age Discrimination in Employment Act of 1967				√	√	√	√
Americans with Disabilities Act of 1990			√	√	√	√	√
Civil Rights Act of 1991	√	√	√	√	√	√	√
Consolidated Omnibus Benefits Reconciliation Act (COBRA) of 1986				√	√	√	√
Consumer Credit Protection Act of 1968	√	√	√	√	√	√	√
Contract Work Hours and Safety Standards Act (CWHSSA)							√
Copeland Act of 1934							√
Davis Bacon Act of 1931							√
Drug Free Workplace Act of 1988							√
EEO-1 Report filed annually w/EEOC if organization is a federal contractor					√	√	√
EEO-1 Report filed annually w/EEOC if organization is not a federal contractor						√	
Employee Polygraph Protection Act of 1988	√	√	√	√	√	√	√
Employee Retirement Income Security Act (ERISA) of 1974	√	√	√	√	√	√	√
Equal Pay Act of 1963	√	√	√	√	√	√	√
Executive Order 11246 of 1965							√
Fair and Accurate Credit Transactions Act of 2003 (FACT)	√	√	√	√	√	√	√
Fair Credit Reporting Act of 1969	√	√	√	√	√	√	√
Fair Labor Standards Act of 1938	√	√	√	√	√	√	√
Family and Medical Leave Act of 1993					√	√	√
Federal Insurance Contributions Act of 1935 (FICA)	√	√	√	√	√	√	√
Genetic Information Nondiscrimination Act (GINA) of 2008			√	√	√	√	√
Health Insurance Portability and Accountability Act (HIPAA) of 1996	√	√	√	√	√	√	√
Immigration Reform and Control Act of 1986	√	√	√	√	√	√	√
Jury System Improvement Act of 1978	√	√	√	√	√	√	√
Lilly Ledbetter Fair Pay Act of 2007	√	√	√	√	√	√	√
Mental Health and Addiction Equity Act of 2008					√	√	√
Mental Health Parity Act of 1996					√	√	√
National Labor Relations Act of 1947	√	√	√	√	√	√	√
Newborns' and Mothers' Health Protection Act of 1996	√	√	√	√	√	√	√
Occupational Safety and Health Act of 1970	√	√	√	√	√	√	√
OSHA Recordkeeping		√	√	√	√	√	√
Patient Protection and Affordable Care Act of 2010					√	√	√
Sarbanes-Oxley Act of 2002	√	√	√	√	√	√	√
Service Contract Act (1965)							√
Title VII of the Civil Rights Act of 1964			√	√	√	√	√
Uniform Guidelines on Employee Selection Procedures of 1978	√	√	√	√	√	√	√
Uniformed Services Employment and Reemployment Rights Act of 1994	√	√	√	√	√	√	√
Vietnam-Era Veterans Readjustment Act of 1974							√
Vocational Rehabilitation Act of 1973							√
Walsh-Healy Act of 1936							√
Worker Adjustment and Retraining Notification Act of 1988						√	√



## Federal Employment Law Glossary

### **Age Discrimination in Employment Act of 1967**

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments and training.

### **Americans with Disabilities Act of 1990 (ADA)**

Title I of the Americans with Disabilities Act (ADA) of 1990 prohibits discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment. An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business.

### **Civil Rights Act of 1991**

Amendments to Title VII allows for punitive and compensatory damages (with limitations) for those complainants who were victims of intentional unlawful discrimination.

### **Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986**

COBRA gives workers who lose their jobs, and thus their health benefits, the right to purchase group health coverage provided by the plan under certain circumstances. If the employer continues to offer a group health plan, the employee and his/her family can retain their group health coverage for up to 18 months by paying group rates. Qualified individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.

### **Consumer Credit Protection Act of 1968**

Title III of the Consumer Credit Protection Act (CCPA) protects employees from discharge by their employers because their wages have been garnished for any one debt, and it limits the amount of an employee's earnings that may be garnished in any one week. Title III applies to all employers and individuals who receive earnings for personal services (including wages, salaries, commissions, bonuses and income from a pension or retirement program).

### **Contract Work Hours and Safety Standards Act (CWHSSA)**

The Contract Work Hours and Safety Standards Act (CWHSSA) applies to contractors and subcontractors with federal service contracts and federally funded and assisted construction contracts over \$100,000. The Act requires contractors and subcontractors with covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 in a workweek.

### **Copeland Act of 1934**

The regulations pertaining to Copeland Act payroll deductions and submittal of the weekly statement of compliance apply only to contractors and subcontractors performing on federally funded contracts in excess of \$2,000 and federally assisted contracts in excess of \$2,000 that are subject to federal wage standards. The "Anti-Kickback" section of the Act precludes a contractor or subcontractor from inducing an employee, in any way, to give up any part of the compensation to which he or she is entitled under his or her contract of employment.

### **Davis-Bacon Act of 1931**

The Act requires that all contractors and subcontractors performing on federal contracts (and contractors or subcontractors performing on federally assisted contracts under the related Acts) in excess of \$2,000 pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits, as determined by the Secretary of Labor, for corresponding classes of laborers and mechanics employed on similar projects in the area. Covered contractors and subcontractors are also required to pay employees weekly and to submit weekly certified payroll records to the contracting agency.

### **Drug-Free Workplace Act of 1988**

The Drug-Free Workplace Act of 1988 requires *some* federal contractors and *all* federal grantees to agree that they will provide drug-free workplaces as a condition of receiving a contract or grant from a federal agency. The Act does *not* apply to those that do not have, nor intend to apply for, contracts/grants from the federal government. The Act also does *not* apply to subcontractors or sub-grantees.

### **Equal Employment Opportunity Commission Regulations (EEOC) / EEO-1 Report**

Government contractors and sub-contractors providing goods and services valued at \$50,000 or more over a 12 month period (and 50 or more employees) are required to file an annual EEO-1 report. In addition, employers who have 100 or more employees are also required to file. Reports must be submitted online. Failure to comply can result in penalties and possible loss of the government contract.

### **Employee Polygraph Protection Act of 1988**

The Act generally prevents employers engaged in interstate commerce from using lie detector tests either for pre-employment screening or during the course of employment, with certain exemptions. The Act empowers the Secretary of Labor to bring injunctive actions in U.S. district courts to restrain violations and to assess civil money penalties up to \$10,000 against employers that violate *any* provision of the Act. Employers are required to post notices summarizing the protections of the Act in their places of work.

### **Employee Retirement Income Security Act (ERISA) of 1974**

ERISA sets uniform minimum standards to ensure that employee benefit plans are established and maintained in a fair and financially sound manner. In addition, employers have an obligation to provide promised benefits and satisfy ERISA's requirements for managing and administering private pension and welfare plans.

### **Equal Pay Act of 1963**

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides: Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment.

### **Executive Order 11246 of 1965**

These laws ban discrimination and require federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran. A contractor in violation of E.O. 11246 may have its contracts canceled, terminated, or suspended in whole or in part, and the contractor may be debarred, i.e., declared ineligible for future government contracts.

### **Fair and Accurate Credit Transactions Act (FACT) of 2003**

The rule requires that any person who maintain or otherwise possess consumer information derived from consumer reports for a business purpose, properly dispose of such information by taking "reasonable measures" to protect against unauthorized access to or use of the information in connection with its disposal.

### **Fair Credit Reporting Act (FCRA) of 1969**

The Credit Reporting Act of 1970 (FCRA) governs the use of consumer reports in all employment decisions. Under the FCRA, an employer may obtain an applicant's or employee's consumer report for employment related purposes if it (1) gives the applicant or employee a clear and conspicuous written disclosure notifying him or her that a consumer report may be obtained and (2) obtains written authorization from the applicant or employee. Whenever any adverse action is taken against an applicant or employee, either partly or wholly because of information contained in a consumer report, the employer must provide him or her with oral, written or electronic notice of the adverse action as well as the name, address and phone number of the consumer reporting agency that furnished the report and a statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to explain the specific reasons behind the decision.

### **Fair Labor Standards Act (FLSA) of 1938**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

### **Family and Medical Leave Act (FMLA) of 1993**

The Family and Medical Leave Act (FMLA) covers all private, state and local government employees and some federal employees. FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-

month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

### **Federal Insurance Contributions Act (FICA) of 1935**

The Federal Insurance Contributions Act (FICA) provides for a federal system of old-age, survivors, disability, and hospital insurance. The old-age, survivors, and disability insurance part is financed by the social security tax. The hospital insurance part is financed by the Medicare tax. Each of these taxes is reported separately. Generally, you are required to withhold social security and Medicare taxes from your employees' wages and you must also pay a matching amount of these taxes.

### **The Genetic Information Nondiscrimination Act (GINA) of 2008**

The Genetic Information Nondiscrimination Act (GINA) prohibits U.S. insurance companies and employers from discriminating on the basis of information derived from genetic tests. It forbids insurance companies from discriminating through reduced coverage or pricing and prohibits employers from making adverse employment decisions based on a person’s genetic code. In addition, insurers and employers are not allowed under the law to request or demand a genetic test. GINA also protects the privacy of personal genetic information by prohibiting group health plans and insurers from collecting or requesting genetic information.

### **Health Insurance Portability and Accountability Act (HIPAA) of 1996**

The Health Insurance Portability and Accountability Act (HIPAA) offers protection for American workers that improve portability and continuity of health insurance coverage. Pre-existing condition exclusions are limited and creditable coverage periods are applied. The medical privacy rule covers medical records or other data that contain individually identifiable health information that may be used or disclosed in any form such as electronically, on paper, or orally.

### **Immigration Reform and Control Act of 1986 (IRCA)**

Under the Immigration Reform and Control Act (IRCA), when hiring, discharging, or recruiting or referring for a fee, employers with four or more employees may not discriminate because of national origin or citizenship status. Employers can demonstrate compliance with the law by following the verification (I-9 Form) requirements and treating all new hires the same.

### **Jury System Improvement Act of 1978**

Employers may not terminate or retaliate against any full-time employee due to their service on jury duty. An employer that chooses to ignore this prohibition may incur considerable costs as a result, including back wages and retroactive benefits for the employee, as well as attorneys’ fees and fines.

### **Lilly Ledbetter Fair Pay Act of 2007**

The Lilly Ledbetter Fair Pay Act amends the Civil Rights Act of 1964 and other anti-discrimination laws to clarify at which points in time discriminatory actions qualify as an “unlawful employment practice.” According to the legislation, unlawful conduct occurs when: “(1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to the decision or practice; or (3) an

individual is affected by application of the decision or practice, including, each time compensation is paid.” The law further states that individuals may receive back pay as compensation for discrimination that occurred up to two years preceding the filing of a charge.

#### **Mental Health and Addiction Equity Act of 2008**

The Paul Wellstone Mental Health and Addiction Equity Act mandates that group health plans provide mental health and substance-related disorder benefits that are at least equivalent to benefits offered for medical and surgical procedures.

#### **Mental Health Parity Act of 1996**

The MHPA may prevent your large group health plan from placing annual or lifetime dollar limits on mental health benefits that are lower - less favorable - than annual or lifetime dollar limits for medical and surgical benefits offered under the plan. MHPA applies to most group health plans with more than 50 workers.

#### **National Labor Relations Act (NLRA) of 1947**

The NLRA forbids 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. Similarly, labor organizations may not restrain or coerce employees in the exercise of these rights.

#### **Newborns' and Mothers' Health Protection Act of 1996**

The Newborns' Act and its regulations provide that health plans and insurance issuers may not restrict a mother's or newborn's benefits for a hospital length of stay that is connected to childbirth to less than 48 hours following a vaginal delivery or 96 hours following a delivery by cesarean section. However, the attending provider (who may be a physician or nurse midwife) may decide, after consulting with the mother, to discharge the mother or newborn child earlier.

#### **Occupational Safety and Health Act (OSHA) of 1970**

The Act assigns OSHA two regulatory functions: setting standards and conducting inspections to ensure that employers are providing safe and healthful workplaces. OSHA standards may require that employers adopt certain practices, means, methods, or processes reasonably necessary and appropriate to protect workers on the job. Employers must become familiar with the standards applicable to their establishments and eliminate hazards.

#### **Patient Protection and Affordable Care Act of 2010**

The act reforms the health care system by expanding the availability of health insurance, regulating health insurance coverage, and restructuring health care delivery, including how it is paid for. A number of different mechanisms are used to increase coverage, including expanding Medicaid, which provides insurance to low-income parents and children at very small cost; establishing state-based insurance exchanges with subsidies for low- and middle-income households; requiring individuals to obtain coverage; and mandating that most employers offer health insurance.

### **Sarbanes-Oxley Act (SOX) of 2002**

Employees who work for publicly traded companies or companies that are required to file certain reports with the Securities and Exchange Commission (SEC) are protected from retaliation for reporting alleged violations of mail, wire, bank, or securities fraud; violations of rules or regulations of the SEC; or federal laws relating to fraud against shareholders.

### **Service Contract Act (SCA)**

The Act requires contractors and subcontractors performing services on prime contracts in excess of \$2,500 to pay service employees in various classes no less than the wage rates and fringe benefits found prevailing in the locality, or the rates (including prospective increases) contained in a predecessor contractor's collective bargaining agreement.

### **Title VII of the Civil Rights Act of 1964**

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government. Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.

### **Uniform Guidelines on Employee Selection Procedures of 1978**

The *Uniform Guidelines* document a uniform federal position in the area of prohibiting discrimination in employment practices on the basis of race, color, religion, sex, or national origin. The *Uniform Guidelines* outline the requirements necessary for employers to legally defend employment decisions based upon overall selection processes and specific selection procedures. The *Uniform Guidelines* are not in and of themselves legislation or law; however, through their reference in a number of judicial decisions, they have been identified by the courts as a source of technical information and have been given deference in litigation concerning employment issues.

### **Uniformed Services Employment and Reemployment Rights Act of 1994**

USERRA provides that returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. Health and pension plan coverage for service members is provided for by USERRA.

### **Vietnam-Era Veterans Readjustment Act of 1974**

Title 38 of the U.S. Code, Section 4212 requires covered contractors and subcontractors (with a federal contract or subcontract of \$25,000 or more that was entered into before December 1, 2003) to take affirmative steps to employ qualified Vietnam era veterans, special disabled veterans, recently separated veterans (1 year), and other protected veterans. This obligation covers the full range of

employment and personnel practices, such as recruitment, hiring, rates of pay, upgrading, and selection for training.

### **Vocational Rehabilitation Act of 1973, Section 503**

Under Section 503 and its implementing regulations, covered employers with federal contracts or subcontracts must take affirmative steps to employ qualified individuals with disabilities. This obligation covers the full range of employment and personnel practices, such as recruitment, hiring, rates of pay, upgrading, and selection for training. All covered contractors and subcontractors must also include a specific equal opportunity clause in each of their nonexempt contracts and subcontracts. The regulations provide the required language for this clause.

### **Walsh-Healey Act of 1936**

The Walsh-Healey Public Contracts Act (PCA) applies to contractors with contracts in excess of \$10,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia. The Act covers employees who produce, assemble, handle, or ship goods under these contracts. Covered contractors must pay employees on the contracts, at least the federal minimum wage of \$7.25 per hour effective July 24, 2009. The employers may pay special lower rates to apprentices, students in vocational education programs, and disabled workers if they obtain special certificates from the Department of Labor. Employees must also be paid one and one-half times their regular rate of pay for all hours worked over 40 in a workweek.

### **Worker Adjustment and Retraining Notification Act (WARN) of 1988**

WARN protects workers, their families, and communities by requiring employers to provide notification 60 calendar days in advance of plant closings and mass layoffs. Advance notice gives workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain other jobs and, if necessary, to enter skill training or retraining that will allow these workers to compete successfully in the job market. WARN also provides for notice to state dislocated worker units so that they can promptly offer dislocated worker assistance.

**This document is not intended to be a full disclosure of these laws and mandates. Please contact your Integrity Outsource Human Resource professional for further information.**

### **References**

<http://www.shrm.org/LegalIssues/FederalResources/FederalStatutesRegulationsandGuidanc/Pages/default.aspx>