

## What employment laws affect me by size?

### 1) 5 magical numbers you need to know (1, 15, 20, 50, & 100)

No matter the size your employee workforce there are employment laws that you need to know and abide by. If you start counting your employees and you stop at 1—there are 5 employment laws that you must comply with.

- 1. Fair Labor Standards Act-** the Act that tells us about minimum wage, overtime, and child labor laws.
- 2. Immigration Reform and Control Act-** this one tells us to comply with I9 and E-verify.
- 3. Workplace posting requirements-** this one shows certain topics that our employees must be notified of.
- 4. Occupational Health and Safety Administration-** (OSHA) Safety standards are in this one.
- 5. The Uniformed Services Employment and Reemployment Rights Act (USERRA)-** This one is important because it gives specific guidelines on how to handle employment issues with are employees who are also simultaneously members of the armed services. You might have thought that the smaller the company, the less likely you would have to comply—wrong. And as your company grows, the obligations increase.

The department of Labor (DOL) administers and enforces more than 180 federal laws. These mandates and the regulations that implement them cover many workplace activities. Some additional and more commonly applicable federal laws based on employer size include the following:

#### **15 or more employees:**

- 1. Americans with Disabilities Act (ADA)-** prohibits discrimination based on disability
- 2. Pregnancy Discrimination Act (PDA)-** prohibits discrimination of pregnant employees/candidates but also mandates that pregnancy related medical conditions are treated the same as any other temporary disability
- 3. Title VII of the Civil Rights Act-** prohibits discrimination of employees by race, color, religion, sex, or national origin.

#### **20 or more employees:**

- 1. Age Discrimination in Employment Act (ADEA)-** made it unlawful for an employer to fail or refuse to hire or discharge an employee or discriminate to privileges of employment because of the age of the employee.  
- to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age.
- 2. Consolidated Omnibus Budget Reconciliation Act (COBRA)-** gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.  
-COBRA outlines how employees and family members may elect continuation coverage. It also requires employers and plans to provide notice.

#### **50 or more employees:**

- 1. Family and Medical Leave Act-** Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- 2. Employer Shared Responsibility Under the Affordable Care Act (ACA)-** Prohibits health plans from imposing pre-existing condition exclusions, annual or lifetime dollar maximums on essential health benefits, and various other restrictions. Requires applicable large employers (ALEs) to either offer minimum essential coverage that is affordable and provides minimum value to its full-time employees (and their children) or risk paying a shared responsibility payment.

**100 or more employees:**

- 1. Workforce Adjustment and Retraining Notification Act (WARN)-** Requires employers to provide written notice at least 60 calendar days in advance of plant closings and mass layoffs.
- 2. EEO-1 Reporting-** is a compliance survey mandated by federal statute/regulations and will be filed annually. The survey requires company employment data to be categorized by race/ethnicity, gender and job category.

**2) Additional State and Federal Laws not covered**

There are hundreds of employment laws that were not covered. Be advised this is a small list that are more common to all employers. Be aware that best practices dictate and full comprehensive search for all applicable state, county, and federal laws that affect your location, size, and industry.