

EMPLOYMENT LAWS (Federal)

Below are many of the major employment-related laws. Additionally, there are employment laws pertaining to specific industries and sectors, most notably transportation, agriculture, construction, mining, and government. This list should not be used as an all-encompassing guide, but as an illustration of the most impactful statutes.

Americans With Disabilities Act (ADA) 15 or more Employees

<http://www.dol.gov/odep/pubs/fact/ada92fs.htm>

Prohibits discrimination on the basis of disability. Employer must make reasonable accommodations for individuals with a disability to hold jobs for which they qualify.

Age Discrimination in Employment Act (ADEA) 20 or more Employees

<http://www.eeoc.gov/facts/age.html>

Prohibits discrimination on the basis of age and specifies protection for anyone age 40 and older.

Age Discrimination Act of 1975 Orgs Rec'g Fed Govt Program Assistance

<http://www.dol.gov/dol/topic/discrimination/agedisc.htm>

Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

Vietnam Era Veterans' Readjustment Assistance Act All Employers

<http://www.dol.gov/esa/regs/statutes/ofccp/4212.htm>

Any federal contract and subcontract in the amount of \$25,000 or more shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

Worker Adjustment and Retraining Notification Act (WARN) 100 or more Employees

http://www.dol.gov/dol/allcfr/ETA/Title_20/Part_639/toc.htm

WARN requires early notification of impending major layoffs or plant closings.

Fair Labor Standards Act (FLSA): All Employers

<http://www.dol.gov/esa/regs/statutes/whd/0002.fair.pdf>

Regulates minimum wage, overtime, child labor and working hours.

Family Medical Leave Act (FMLA): 50 or more Employees

<http://www.dol.gov/esa/regs/statutes/whd/fmla.htm>

Administered by the Wage and Hour Division, the law requires employers of 50 or more employees to give up to 12 weeks of unpaid, job-protected leave to eligible employees for the birth or adoption of a child or for the serious illness of the employee or a spouse, child or parent.

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Whistleblower Provisions All Employers
<http://www.dol.gov/compliance/laws/comp-whistleblower.htm>

Most labor and public safety laws and many environmental laws mandate whistleblower protections for employees who complain about violations of the law by their employers. Remedies can include job reinstatement and payment of back wages.

Health Ins. Portability & Accountability Act (HIPAA) Employers w/Group Health
<http://www.cms.hhs.gov/hipaa/>

Establish rules on health plan availability, time frame for pre-existing condition exclusions, renewability, and privacy of individually identifiable protected health information. Health plans, insurers, and providers are primarily responsible for compliance with plan changes, but employers must follow steps to insure the privacy of individual medical claim information. Privacy rules impact self-insured employers.

Employee Polygraph Protection Act All Employers
<http://www.dol.gov/esa/regs/statutes/whd/poly01.pdf>

Prohibits the use of lie detectors in most labor and employment decisions.

Employee Retirement Income Security Act (ERISA): All Private Sector Employers
<http://www.dol.gov/dol/topic/health-plans/erisa.htm>

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.

Occupational Safety and Health Act (OSHA) All Employers
<http://www.osha.gov/>

Federal law mandates workplace safety procedures and reporting requirements.

Consolidated Omnibus Budget Reconciliation Act (COBRA) 20 or more Employees
<http://www.dol.gov/dol/topic/health-plans/cobra.htm>

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.

Equal Pay Act (EPA) All Employers
<http://www.eeoc.gov/policy/epa.html>

Prohibits wage discrimination between men and women in substantially equal jobs within the same establishment.

Title VII of the Civil Rights Act of 1964 15 or more Employees
<http://www.eeoc.gov/policy/vii.html>

Prohibits employment discrimination on the basis of sex, race, color, national origin, religion. Sexual harassment claims fall into this legislation. Enforced by the EEOC.

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Pregnancy Discrimination Act 15 or more Employees
<http://www.eeoc.gov/facts/fs-preg.html>

A 1994 amendment to Title VII of the Civil Rights Act of 1964 formalized the inclusion of pregnancy from employment discrimination. Enforced by the EEOC.

Immigration Reform and Control Act All Employers
http://www.dol.gov/esa/regs/compliance/ofccp/ca_irca.htm

All newly hired employees must provide proof of eligibility to work in the US. Employer must keep I-9 forms on file and must monitor expiration of documents. Subject to inspection by OFCCP and the BCIS.

National Labor Relations Act All Employers
http://www.nlr.gov/nlr/shared_files/brochures/basicguide.pdf

Protects concerted action over terms and conditions of employment for all employees. Rules for union relations processes and procedures.

State and Federal Unemployment All Employers
<http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp>

Unemployment Insurance is regulated on a state-by-state basis. Eligibility and processes are also determined at the state level. There are a limited number of federal programs that integrate with state unemployment programs as well. Generally, the unemployment tax rate that your company pays is determined by your company's history with terminating employees (layoffs and terminations without proper notice/warnings).

Uniformed Services Employment and Re-employment Rights Act All Employers
<http://www.dol.gov/elaws/userra.htm>

Must reemploy service members returning from a period of service under most circumstances. Additionally, recently legislation requires companies to place returning military personnel into jobs that they would have been placed if they had not been called to active duty; this 'escalator' clause is believed to be the first of it's kind in employment law.

Executive Order 11246 All Employers
<http://www.dol.gov/esa/regs/statutes/ofccp/eo11246.htm>

Non-discrimination in employment by federal contractors and subcontractors. Those with 50 or more employees must complete affirmative action plan annually.

EMPLOYMENT LAWS (Texas)

Texas Minimum Wage Act All Employers

<http://www.twc.state.tx.us/ui/lablaw/tmwsum.html>

State minimum wage law. Currently makes no distinctions from federal minimum wage law.

Texas Child Labor Law All Employers

<http://www.twc.state.tx.us/ui/lablaw/cllsum.html>

State child labor regulations specifying allowable work hours and job elements.

Texas Payday Law All Employers

<http://www.twc.state.tx.us/ui/lablaw/pdlsum.html>

State law specifies frequency of paydays, required postings, procedures in the event of employment termination, and penalties for non-compliance. The required posting is available via the following link: <http://www.twc.state.tx.us/ui/lablaw/1110.pdf>

Texas Workers Compensation Act All Employers

<http://www.tdi.state.tx.us/wc/act/act.html>

Regulates insurance for workers in the event of injuries or illnesses incurred in the course of employment.