

# Employment Law Compliance Checklist

## 1+ Employee

- Fair Labor Standards Act (FLSA)**, via DoL  
Defines exempt (not entitled to overtime) vs. non-exempt (entitled to overtime and scheduled breaks) employee restrictions. Employers must properly classify and pay employees a corresponding minimum wage, while following overtime and child labor standards.
- Immigration Reform & Control Act (IRCA)**, via DoL  
Employers may only hire those who can legally work in the United States and must maintain up-to-date I-9 forms for all employees.
- Employment Retirement Income Security Act (ERISA)**, via DoL  
Employers' private pension and health plans must give participants information around plan features, funding and responsibilities. One key ERISA amendment includes COBRA (see below).
- Federal Income Tax Withholding**, via IRS  
Employers must withhold and pay the federal government a set percentage of employee wages.
- Federal Insurance Contribution Act (FICA)**, via IRS  
Employers must withhold and pay the federal government a set percentage of employee wages to be used for Social Security and Medicare.
- Equal Pay Act (EPA)**, via EEOC  
Employers must pay male and female employees the same wage for the same job. One key amendment includes the Lilly Ledbetter Fair Pay Act.
- Uniformed Services Employment & Reemployment Rights Act (USERRA)**, via DoL  
Employers must permit employees to be absent from work for military duty and retain reemployment rights for up to five years, as well as make reasonable efforts to accommodate veterans' disabilities.
- National Labor Relations Act (NLRA)**, via NLRB  
Employers cannot prohibit employees from or discipline them for forming or joining unions.
- Uniform Guidelines for Employment Selection Procedures**, via EEOC  
Employers may not discriminate against employees or applicants on the basis of race, color, religion, sex or national origin.
- Employee Polygraph Protection Act (EPPA)**, via DoL  
Employers cannot use lie detector tests in pre-employment screening or during employment (with some exceptions).
- Sarbanes-Oxley Act (SOX)**, via SEC  
Public companies must follow set mandates to enhance corporate responsibility, combat fraud and provide financial disclosures.
- Consumer Credit Protection Act (CCPA)**, via DoL  
Employers must follow employee wage garnishment requirements.
- Fair and Accurate Credit Transactions Act (FACT)**, via Federal Register  
Employers must carefully dispose of consumer credit information to prevent unauthorized access.
- Health Insurance Portability and Accountability Act (HIPAA)**, via HHS  
Employers cannot receive health care information about employees from health care providers.
- Occupational Safety and Health Act (OSHA)**, via OSHA  
Employers must follow federally-set standards providing safe employment conditions, hazard communication and personal protective equipment. Employers with 11+ employees must maintain records in compliance with OSHA standards.

### 15+ Employee

- ❑ **American with Disabilities Act (ADA)**, via DoL  
Employers may not discriminate against people with disabilities in employment, transportation, public accommodation, communications and governmental activities.
- ❑ **Genetic Information Nondiscrimination Act (GINA)**, via EEOC  
Employers may not discriminate against employees or applicants on the basis of genetic information (genetic risk factors, family medical history, disease susceptibility, etc.).
- ❑ **Title VII of the Civil Rights Act of 1964**, via EEOC  
Title VII prohibits sexual harassment and other forms of discrimination in workplaces. Key expansions and amendments include the Lilly Ledbetter Fair Pay Act and the Civil Rights Act of 1991.

### 20+ Employee

- ❑ **Age Discrimination in Employment Act (ADEA)**, via EEOC  
Employers may not discriminate in hiring practices against workers age 40 and older.
- ❑ **Consolidated Omnibus Budget Reconciliation Act (COBRA)**, via DoL  
Employers must offer covered employees and their families the option to continue health insurance for 18-36 months after ceasing employment (duration depends on circumstances). Employees may be required to pay full insurance premiums.

### 50+ Employee

- ❑ **Affordable Care Act (ACA)**, via HHS  
Employers of this size are classified as “Applicable Large Employers” (ALEs) under the ACA and must offer affordable health insurance options, as defined by the law, and are subject to strict recordkeeping requirements. Note that this mandate applies to employers 50+ “full-time equivalent” workers.
- ❑ **Family and Medical Leave Act (FMLA)**, via DoL  
Employers must offer up to 12 weeks of unpaid, job-protected leave to eligible employees following the birth, adoption, foster placement of an employee’s child, serious family illness or the employee’s own serious health condition.
- ❑ **Affirmative Action Program (AAP)**, via DoL  
Employers must create programs to actively recruit and train minorities, women, disabled persons and covered veterans, with accompanying recordkeeping requirements.

### 100+ Employee

- ❑ **Worker Adjustment Retraining Notification Act (WARN)**, via DoL  
Employers must notify employees at least 60 calendar days in advance of workplace closings and mass layoffs.
- ❑ **EEO-1 Survey Filing (Title VII, Civil Rights Act of 1964)**, via EEOC  
In compliance with Title VII, employers must maintain diversity records for workplaces and individual employees. If the organization is a federal contractor, this threshold becomes 50+ employees.

### Employers with federal contracts (any size)

Employers with federal contracts have additional compliance requirements and modified thresholds required by laws not outlined above, including:

- Davis-Bacon Act
- Drug Free Workplace Act
- Contract Work Hours and Safety Standards Act (CWHSSA)
- McNamara-O’Hara Service Contract Act (SCA)
- Executive Order 11246
- Vietnam Era Veterans’ Readjustment Act
- Vocational Rehabilitation Act
- Walsh-Healy Act
- Copeland Act

For further information or to answer other employment-related questions, please contact Hutchison PLLC’s employment law practice.

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