

Employment Laws by Employer Size FAQ

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An employer's size, or number of employees, is a key factor in determining which federal labor laws the employer must comply with. Some federal labor laws, such as the Equal Pay Act, apply to all employers, regardless of size. However, other laws, such as the Family and Medical Leave Act, only apply to employers that reach a certain employee count. Employers should be aware of the federal labor laws that may apply to their company based on their size. This is especially important for employers that have fluctuating workforce numbers or that are considering hiring additional employees. In general, the more employees that an employer has, the more compliance obligations it will have under federal labor laws.

This overview provides a guide of key federal labor laws that apply based on employer size. Most states also have their own labor and employment laws. This summary does not address state labor laws, and it also does not address additional compliance requirements for companies that contract with the federal government or businesses in specific industries.

All Employer Sizes	
Law	Description
Consumer Credit Protection Act (CCPA)	Protects employees from discharge because their wages have been garnished for any one debt and limits the amount of an employee's earnings that may be garnished in any one week.
Employee Polygraph Protection Act (EPPA)	Prohibits employers from using lie detector tests, either for pre-employment screening or during the course of employment, with certain exceptions.
Employee Retirement Income Security Act (ERISA)	Sets minimum standards for employee benefit plans, including retirement plans, such as 401(k) plans, and welfare benefit plans, such as group health plans.
Equal Pay Act (EPA)	Employers must provide equal compensation to men and women who perform equal work within the same workplace.
Fair Credit Reporting ACT (FCRA)	Regulates how employers can obtain and use consumer reports, including background checks.
Fair Labor Standards Act (FLSA)	Establishes minimum wage, overtime, recordkeeping, and child labor standards for employers.
Federal Insurance Contributions Act (FICA)	Authorizes employers to withhold Social Security and Medicare taxes from employees' wages, as well as pay their own share of these taxes.
Health Insurance Portability and Accountability Act (HIPAA)	Employers that offer employee benefit plans must adhere to HIPAA's privacy, antidiscrimination, and security rules.
Immigration Reform and Control Act (IRCA)	Employers are prohibited from hiring and retaining employees who are not authorized to work in the United States. Employers and employees must complete the Form I-9 ("Employment Eligibility Verification Form"). Employers must retain a Form I-9 for each person hired and make it available for inspection by authorized government officers.
Jury Systems Improvement Act	Prohibits employers from discharging or taking other adverse employment action against employees who are summoned to jury duty in federal court. Most states also have their own employment laws regarding jury duty.
National Labor Relations Act (NLRA)	Protects employees by prohibiting unfair labor practices. Addresses rights to employee representation and unionization issues.
Occupational Safety and Health Act (OSH Act)	Requires employers to provide a safe workplace for their employees. The law created the Occupational Health and Safety Administration (OSHA), a federal agency that sets and enforces protective workplace safety and health standards.
Taft-Hartley Act	Protects management rights by prohibiting certain unfair labor practices by unions.
Uniform Guidelines of Employee Selection	Mandates that pre-employment policies and practices, including pre-employment testing, be job-related. Practices cannot have an adverse impact (negative impact, whether intentional or not) based on factors such as race, gender, or ethnicity.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits employers from discriminating against individuals on the basis of membership in the uniformed services with regard to any aspect of employment.

Employers with 15 + Employees

Americans with Disabilities Act (ADA)	Prohibits employers from discriminating against qualified individuals with disabilities in all employment practices, such as recruitment, compensation, hiring and firing, job assignments, training, leave and benefits.
Genetic Information Nondiscrimination Act (GINA)	Prohibits employers from discriminating against employees or applicants based on their genetic information.
Pregnancy Discrimination Act (PDA)	Prohibits workplace discrimination based on pregnancy, childbirth, or related medical conditions.
Title VII of the Civil Rights Act	Prohibits employers from discriminating in the workplace based on race, color, religion, sex, or national origin.

Employers with 20 + Employees

Age Discrimination in Employment Act (ADEA)	Prohibits employers from discriminating against employees or applicants who are age 40 or older based on their age.
Consolidated Omnibus Budget Reconciliation Act (COBRA)	Requires employer-sponsored group health plans to offer continuation coverage to eligible employees and their dependents when coverage would otherwise be lost due to certain events (for example, a termination of employment).

Employers with 50 + Employees

Affordable Care Act (ACA) – Employer Shared Responsibility Rules	Applicable large employers (ALEs) must offer affordable, minimum value health coverage to their full-time employees (and dependents) or risk paying a penalty. An ALE will face a penalty if one or more full-time employees obtain a subsidy through an Exchange. An individual may be eligible for a subsidy either because the ALE does not offer coverage or offers coverage that is “unaffordable” or does not provide “minimum value.”
Family and Medical Leave Act (FMLA)	Requires employers to provide eligible employees with unpaid, job-protected leave for specified family and medical reasons.

Employers with 100 + Employees

EEO-1 Report	The Employer Information Report EEO-1 (commonly known as the EEO-1 Report) requires employers to submit employment data categorized by race/ethnicity, gender, job category, and wages and hours to the EEOC.
Worker Adjustment and Retraining Notification (WARN) Act	Employers are required to provide a 60-day advance notice to employees of imminent covered plant closings and covered mass layoffs.