NESA
HUMAN RESOURCES

EMPLOYMENT LAWS

This includes the law, who it applies to, the provisions, and enforcement agency.

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Essential Guide to Key Employment Laws

Navigating the complex landscape of employment law is a critical responsibility for every HR professional.

This digital resource provides a concise yet comprehensive overview of some of the most important federal employment laws that impact hiring, workplace policies, employee rights, and compliance obligations.

Whether you're handling day-to-day HR tasks or preparing for certification exams, this guide serves as a quick-reference tool to help you stay informed, minimize legal risks, and uphold fair and lawful workplace practices.

Preparing for the S/PHR or SHRM-S/CP exam?

Preparing for the PHR or SHRM-CP exam? This downloadable guide offers a focused overview of key employment laws every HR certification candidate needs to know.

From foundational acts like Title VII and the FLSA to more specialized laws like FMLA and ADA, this resource breaks down who the laws apply to, core provisions, and enforcement agencies—all in a clear, digestible format.

Use this as a quick-study reference to reinforce your knowledge, build confidence, and stay ready for exam day.

Anti-Discrimination Laws

The Civil Rights Act - Title VII

Definition

Title VII is a foundational federal law in the United States that addresses workplace discrimination.

Applies To

- Employers with 15 or more employees, including federal, state, and local governments.
- Labor Organizations and employment agencies.
- Private sector employers, public employers, and educational institutions.

Provisions

- Title VII prohibits employment discrimination based on:
  Race, Color, Religion, National Origin
- Sex (includes gender, pregnancy, sexual orientation, and gender identity as interpreted by the courts and EEOC)

Specifically, it bars discrimination in:

- Hiring and firing
- Compensation, terms, conditions, or privileges of employment
- Segregation or classification of employees in a way that affects their opportunities
- Harassment on the basis of the protected categories
- Retaliation against individuals who file a discrimination complaint, participate in an investigation, or oppose discriminatory practices.

It also requires reasonable accommodation for an employee's religious practices unless it poses an undue hardship to the employer.

Federal Agency

- The Equal Employment Opportunity Commission (EEOC) enforces Title VII.
- Investigating complaints of discrimination. Mediating and settling disputes. Filing lawsuits against employers on behalf of individuals or groups. Providing guidance and education to employers about compliance with Title VII.
- Employers are also required to post EEOC notices in the workplace and may need to maintain detailed records to demonstrate compliance.

Source

- https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964

1990

Americans Disability Act (ADA)

Definition

ADA is a landmark civil rights law designed to protect individuals with disabilities from discrimination and ensure their full participation in various aspects of life.

Applies To

- Title I (Employment): Employers with 15 or more employees, including state and local governments.
- Title II (Public Services): State and local government entities and public transportation.
- Title III (Public Accommodations): Businesses and nonprofit organizations open to the public (e.g., restaurants, hotels, retail stores, schools).
- Title IV (Telecommunications): Providers of telecommunications services.
- Title V: Miscellaneous provisions that address anti-retaliation and other protections.

Covered Individuals

- People with physical or mental impairments that substantially limit one or more major life activities.
- Individuals with a record of such an impairment.
- Those regarded as having such an impairment.

Provisions

- Prohibits discrimination in recruitment, hiring, promotions, training, pay, and other employment aspects.
- Requires employers to provide reasonable accommodations unless it causes undue hardship.
- Mandates that public entities provide accessible services, programs, and facilities and Requires public transportation systems to be accessible.
- Requires modifications to policies, practices, and procedures to accommodate individuals with disabilities.
- Requires telephone companies to provide services like relay systems for individuals with hearing or speech disabilities.

Federal Agency

- Equal Employment Opportunity Commission (EEOC) - Enforces Title I - Employment provisions.
- Department of Justice (DOJ) - Enforces Titles II and III, including public services and public accommodations.
- Federal Communications Commission (FCC) - Oversees compliance with Title IV (telecommunications).
- Department of Transportation (DOT) - Ensures transportation systems comply with ADA requirements.
- State and Local Agencies - May play roles in enforcement and accessibility implementation at the local level.

Source

- https://www.ada.gov/

2023

Pregnancy Workers Fairness Act

Definition

PWFA is a U.S. federal law that went into effect on June 27, 2023, and is aimed at protecting the rights of pregnant workers and those with related medical conditions.

Applies To

- Title I (Employment): Employers with 15 or more employees, including state and local governments.
- Title II (Public Services): State and local government entities and public transportation.
- Title III (Public Accommodations): Businesses and nonprofit organizations open to the public (e.g., restaurants, hotels, retail stores, schools).
- Title IV (Telecommunications): Providers of telecommunications services.
- Title V: Miscellaneous provisions that address anti-retaliation and other protections.

Covered Individuals

- Workers who have known limitations related to pregnancy, childbirth, or related medical conditions.
- This includes conditions like morning sickness, lactation, or the need for postpartum recovery accommodations.

Provisions

- Accommodations must be made for limitations stemming from pregnancy, childbirth, or related conditions.
- Examples include modified work schedules, access to water, additional restroom breaks, and light duty assignments.
- Employers must engage in a dialogue with the worker to determine appropriate accommodations.
- Employers cannot deny employment opportunities, require leave (if other accommodations can be provided), or retaliate against workers for requesting accommodations.
- Employers are not required to provide accommodations if they can demonstrate it would impose a significant difficulty or expense.

Federal Agency

- Equal Employment Opportunity Commission (EEOC)

Source

- https://www.eeoc.gov/statutes/pregnant-workers-fairness-act

1967

Age Discrimination in Employment Act

Definition

ADEA is a U.S. federal law designed to protect workers and job applicants who are 40 years of age or older from age-based discrimination in the workplace.

Applies To

Employers:

- Private employers with 20 or more employees.
- State and local governments.
- Employment agencies.
- Labor organizations with 25 or more members.

Individuals Protected

- Workers and Job Applicants aged 40 and older.

Exemptions

- Elected officials.
- Independent contractors (typically not covered as employees).

Provisions

- Discrimination in hiring, firing, compensation, benefits, job assignments, promotions, layoffs, training, and other terms or conditions of employment based on age.
- Retaliation against individuals who oppose age discrimination or participate in an ADEA-related investigation or lawsuit.
- Prohibits job notices or advertisements that specify a preference for a particular age group unless age is a bona fide occupational qualification (BFOQ).
- Employers may ask employees to waive ADEA rights, but such waivers must meet strict requirements to be considered valid, such as being knowing, voluntary, and part of a written agreement.

Federal Agency

- The Equal Employment Opportunity Commission (EEOC) is the federal agency tasked with enforcing the ADEA
- EEOC Investigates complaints of age discrimination, Mediates disputes, Litigates cases of age discrimination on behalf of individuals or groups, and Issues guidance and regulations for compliance with the ADEA.

Source

- https://www.eeoc.gov/age-discrimination

1972

Equal Employment Opportunity Act

Definition
EEOA is an amendment to Title VII of the Civil Rights Act of 1964.

Applies To
- Employers with 15 or more employees.
- Labor unions.
- Employment agencies.
- Applies to educational institutions.
- State and local governments.
- Federal government agencies.

Provisions
- Extends protections against discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and national origin.
- Covers all aspects of employment, including hiring, firing, promotions, wages, benefits, and training.
- Allows courts to require employers to implement affirmative action plans to correct past discriminatory practices.
- Protects employees from retaliation for filing a discrimination complaint or participating in an investigation or lawsuit.

Federal Agency
- The Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the Equal Employment Opportunity Act and other anti-discrimination laws.
- The EEOC Investigates discrimination complaints, Mediates disputes between employees and employers, Files lawsuits to address systemic discrimination or individual claims, Provides guidance and training to employers and employees on preventing discrimination

Source
- https://www.eeoc.gov/history/equal-employment-opportunity-act-1972

Genetic Information Nondiscrimination Act (GINA)

Definition

GINA is a federal law enacted in 2008 that prohibits discrimination based on genetic information in health insurance and employment. It prevents employers and insurers from using genetic data to make decisions about hiring, firing, promotions, or insurance eligibility.

Applies To

- Private employers with 15 or more employees
- Employment agencies
- Labor unions
- Federal, state, and local governments (excluding U.S. military and some federal benefit programs like the VA and TRICARE)

Provisions

Employment Protections

- Employers cannot use genetic information when making decisions about hiring, firing, job assignments, promotions, or compensation.
- Employers cannot request, require, or purchase genetic information about an employee or their family members (with limited exceptions).
- If an employer does receive genetic information inadvertently (e.g., through wellness programs or FMLA forms), they must keep it confidential and store it in a separate medical file.

Definition of Genetic Information Includes:

- An individual's genetic tests
- Genetic tests of family members
- Family medical history (up to 4th-degree relatives)
- Participation in genetic research

Federal Agency

- Equal Employment Opportunity Commission (EEOC)

Source

- https://www.eeoc.gov/statutes/genetic-information-nondiscrimination-act-2008

1978

Uniform Guidelines on Employee Selection Procedures (UGESP)

Definition

UGESP is a framework designed to ensure fairness in employment practices, specifically in selection processes such as hiring, promotions, and other employment decisions.

Applies To

- **Employers:** All employers subject to Title VII of the Civil Rights Act of 1964, as amended.
- **Labor organizations:** Unions involved in hiring practices.
- **Employment agencies:** Agencies making referrals for employment.
- **State and local governments:** Public sector employers.

Provisions

- **Job-Relatedness and Validity of Selection Procedures:** All selection procedures (e.g., tests, interviews, evaluations) must be job-related and valid.
- **Adverse Impact:** If adverse impact is identified, the employer must show the procedure is a business necessity or adopt an alternative that serves the same purpose without discriminatory impact.
- **The UGESP specifies three methods for validating selection procedures:** Criterion-related validity, Content validity, and Construct validity.
- **Recordkeeping and Reporting:** Employers must maintain detailed records on selection rates and the demographic characteristics of applicants.
- **Use of Alternative Procedures:** If a selection procedure causes adverse impact, employers are encouraged to explore alternative methods that meet job-related needs while reducing discrimination.

Federal Agency

- Equal Employment Opportunity Commission (EEOC)
- Office of Federal Contract Compliance Programs (OFCCP)
- Department of Justice (DOJ)

Source

- https://www.law.cornell.edu/cfr/text/28/50.14

Wage and Hour Laws

The Fair Labor Standards Act (FLSA)

Definition

FLSA is a foundational U.S. labor law that establishes various workplace protections.

Applies To

- Businesses with at least $500,000 in annual revenue.
- Employers involved in interstate commerce, which broadly covers most businesses.
- Hospitals, schools, preschools, and institutions for the care of the aged or mentally ill.
- Employees of federal, state, and local governments (though some exemptions apply).
- Workers engaged in interstate commerce, production of goods for commerce, or closely related activities.

Exemptions: Certain employees (e.g., executives, administrative professionals, and outside salespersons) may be exempt from specific FLSA provisions like overtime pay.

Provisions

- **Minimum Wage -** Establishes a federal minimum wage (currently $7.25/hour as of 2024, though states may mandate higher wages).
- **Overtime Pay -** Requires payment of time and a half for hours worked over 40 hours in a workweek, unless exempt.
- **Child Labor Protections -** Limits hours and conditions under which minors can work and Prohibits employment of minors in certain hazardous jobs.
- **Recordkeeping -** Employers must maintain accurate records of hours worked and wages paid.
- **Equal Pay -** Mandates equal pay for equal work regardless of gender (as outlined in the Equal Pay Act of 1963, an amendment to the FLSA).

Federal Agency

- The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) enforces the FLSA.
- The WHD investigates complaints, conducts audits, and ensures compliance with wage, hour, and child labor laws.
- Employers who violate the FLSA may face penalties, including back pay, fines, and legal action.

Source

- https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FairLaborStandAct.pd
- https://crsreports.congress.gov/product/pdf/R/R42713

1931

Davis-Bacon Act

Definition

The Davis-Bacon Act requires contractors and subcontractors working on federally funded or assisted construction projects over $2,000 to pay their laborers and mechanics prevailing wages and fringe benefits that are at least equal to those paid on similar projects in the same geographic area.

Applies To

Contractors and subcontractors on:

- Federal government construction projects
- Federally assisted contracts (with federal funding, grants, or loans)
- Projects must involve construction, alteration, or repair (including painting and decorating) of public buildings or public works.

Provisions

- Prevailing Wage Requirement: Wages and fringe benefits must match or exceed local standards (determined by the DOL).
- Wage Determination: Issued by the Department of Labor and included in contract bids.
- Certified Payroll: Employers must submit weekly payroll records (Form WH-347) to verify compliance.
- Employee Classifications: Workers must be properly classified (e.g., electrician, laborer) and paid according to that classification.

Federal Agency

- U.S. Department of Labor (DOL)
- Wage and Hour Division (WHD)

Source

- https://www.dol.gov/agencies/whd/government-contracts/construction

1963

Equal Pay Act (EPA)

Definition

The EPA is a U.S. federal law designed to address wage disparity based on gender.

Applies To

- It applies to all employers, including federal, state, and local governments, as well as private employers engaged in interstate commerce.

Provisions

- Employers must provide equal pay to men and women performing jobs requiring the same level of skill, effort, and responsibility under similar conditions.
- It is illegal to pay employees of one gender less than employees of another gender for performing substantially equal work.
- Wage differentials are allowed if based on:
    - A seniority system
    - A merit system
    - A system measuring earnings by quantity or quality of production.
    - Any factor other than sex (e.g., experience, education).
- Employees who file complaints or participate in investigations under the EPA are protected from retaliation.

Federal Agency

- The Equal Employment Opportunity Commission (EEOC).

Source

- https://www.eeoc.gov/statutes/equal-pay-act-1963

2009

The Lilly Ledbetter Fair Pay Act

Definition

he Lilly Ledbetter Fair Pay Act of 2009 applies broadly and has specific provisions aimed at addressing pay discrimination.

Applies To

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)

Employees in the United States who experience pay discrimination based on:

- Race
- Color
- Religion
- Sex (including pregnancy, sexual orientation, and gender identity)
- National origin
- Age
- Disability
- Genetic information

Provisions

- Accommodations must be made for limitations stemming from pregnancy, childbirth, or related conditions.
- Examples include modified work schedules, access to water, additional restroom breaks, and light duty assignments.
- Employers must engage in a dialogue with the worker to determine appropriate accommodations.
- Employers cannot deny employment opportunities, require leave (if other accommodations can be provided), or retaliate against workers for requesting accommodations.
- Employers are not required to provide accommodations if they can demonstrate it would impose a significant difficulty or expense.

Federal Agency

- The Equal Employment Opportunity Commission (EEOC)

Source

- https://nwlc.org/resource/lilly-ledbetter-fair-pay-act/

1993

Family Medical Leave Act (FMLA)

Definition

FMLA is a federal law that provides eligible employees with unpaid, job-protected leave for specified family and medical reasons.

Applies To

- Private-sector employers with 50 or more employees.
- Public agencies (local, state, or federal government).
- Public or private elementary and secondary schools, regardless of the number of employees.

Eligible Employees

- Must work for a covered employer.
- Must have worked for the employer for at least 12 months (not necessarily consecutive).
- Must have at least 1,250 hours of service during the 12 months prior to the leave.
- Must work at a location where the employer has at least 50 employees within a 75-mile radius.

Provisions

Eligible employees can take up to 12 workweeks of unpaid leave in a 12-month period for:

- The birth of a child and to care for the newborn within one year of birth.
- The placement of a child for adoption or foster care and to care for the newly placed child within one year of placement.
- To care for the employee's spouse, child, or parent with a serious health condition.
- A serious health condition that makes the employee unable to perform essential job functions.
- Any qualifying exigency related to a family member's active-duty military service.
- Additionally, employees may take up to 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.

Federal Agency

- The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) is responsible for enforcing FMLA. The WHD handles:
- Investigations of complaints, Ensuring compliance with FMLA requirements, and Imposing penalties for violations.
- Employees may also file private lawsuits if their FMLA rights are violated.

Source

- https://www.dol.gov/agencies/whd/fmla

Labor Relations Laws

1935

The National Labor Relations Act (NLRA)

Definition

The National Labor Relations Act (NLRA), enacted in 1935 (also known as the Wagner Act), is a foundational labor law in the United States that protects the rights of employees to organize, form unions, bargain collectively, and engage in concerted activities for mutual aid or protection—even if not unionized.

Applies To

- Private sector employers involved in interstate commerce (most employers qualify)
- Employees, including those not in a union, who wish to organize or discuss working conditions.

Does not apply to

- Government employees (federal, state, local)
- Agricultural workers
- Domestic workers
- Independent contractors
- Supervisors (with certain exceptions)

Provisions

- **Section 7 Rights:**
  - Employees have the right to:
    - Form or join unions
    - Bargain collectively
    - Engage in concerted activities (e.g., strikes, protests, discussions about pay/conditions)
    - Refrain from such activities

- **Unfair Labor Practices (ULPs) under Section 8:**
  - Employers may not:
    - Interfere with, restrain, or coerce employees in exercising Section 7 rights
    - Dominate or interfere with the formation of a labor union
    - Discriminate against employees for union involvement
    - Retaliate for filing charges or giving testimony
    - Refuse to bargain collectively with the union representative

- **Union-related Protections:**
  - Unions are also prohibited from unfair practices, such as coercing employees or refusing to bargain in good faith.

Federal Agency

- National Labor Relations Board (NLRB)

Source

- https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act

Labor Management Reporting and Disclosure Act (LMRDA)

Definition

The LMRDA was enacted to promote union democracy, transparency, and accountability in labor organizations. It sets standards for union internal governance and financial practices, protecting the rights of union members.
Also known as: Landrum-Griffin Act (1959)

Applies To

- Labor unions representing private-sector employees involved in interstate commerce
- Union officers, employees, and members
- Employers and labor consultants interacting with unions
- Note: Public sector unions are not covered under LMRDA.

Does not apply to

- Government employees (federal, state, local)
- Agricultural workers
- Domestic workers
- Independent contractors
- Supervisors (with certain exceptions)

Provisions

- **Bill of Rights for Union Members:** Guarantees rights such as freedom of speech and assembly, equal voting rights, and protection against improper discipline.
- **Reporting Requirements:** Unions must file annual financial reports; employers and consultants must report certain payments or arrangements made to influence employees' rights to organize.
- **Elections:** Requires regular secret ballot elections for union officers (at least every 3 years for locals).
- **Trusteeships:** Regulates the imposition and maintenance of trusteeships over subordinate unions.
- **Safeguards for Union Funds:** Establishes fiduciary responsibilities for those handling union money or property.

Federal Agency

- U.S. Department of Labor (DOL) – Office of Labor-Management Standards (OLMS)

Source

- https://www.dol.gov/agencies/olms/laws/labor-management-reporting-and-disclosure-act

Benefits & Health Laws

1974

The Employee Retirement Income Security Act

Definition

ERISA of 1974 is a U.S. federal law that sets standards to protect individuals participating in private-sector employee benefit plans.

Applies To

- **Private-Sector Employers:** ERISA applies to private-sector companies that offer pension, retirement, and welfare benefit plans (e.g., health insurance, disability benefits)
- **Covered Plans:** Includes defined benefit plans, defined contribution plans (e.g., 401(k)s), and health and welfare plans.

Exclusions

- Public sector (government) plans.
- Plans maintained by religious organizations.
- Plans maintained outside the U.S. for non-resident aliens.

Provisions

- Establishes rules for when employees can join a plan and when they acquire a non-forfeitable right to their benefits.
- Requires plan fiduciaries (employers, trustees) to act in the best interest of participants.
- Imposes accountability for mismanagement or improper use of plan assets.
- Plans must provide participants with information about plan features, funding, and governance.
- Requires transparency to participants about plan benefits and their rights.
- Sets minimum funding requirements for defined benefit plans to ensure financial stability.
- Protects employees' benefits in cases of company bankruptcy or plan termination.
- Prohibits discrimination for exercising plan rights.
- The Pension Benefit Guaranty Corporation (PBGC) insures defined benefit plans to protect participants if the plan sponsor cannot meet obligations.

Federal Agency

- Department of Labor (DOL)
- Internal Revenue Service (IRS)
- Pension Benefit Guaranty Corporation (PBGC)

Source

- https://www.dol.gov/general/topic/retirement/erisa#:~:text=The%20Employee%20Retirement%20Income%20Security,for%20individuals%20in%20these%20plans

2010

The Patient Protection and Affordable Act

Definition

The Patient Protection and Affordable Care Act (PPACA), commonly known as the Affordable Care Act (ACA) or "Obamacare," was enacted in 2010 to reform the healthcare system in the United States.

Applies To

- **Large Employers (50 or more full-time equivalent employees):** Must offer health insurance that is affordable and provides minimum value or face penalties.
- **Small Employers (fewer than 50 FTEs):** Not required to offer coverage, but may access the Small Business Health Options Program (SHOP).
- **Health Insurance Providers:** Must comply with essential health benefit and consumer protection standards.
- **Individuals:** Previously required to have coverage (individual mandate), though the penalty was reduced to $0 federally starting in 2019 (some states still require it).

Provisions

- **Employer Mandate:** Large employers must offer health insurance to 95%+ of full-time employees (30+ hours/week)
- **Marketplace & Subsidies:** Individuals can purchase insurance through federal or state exchanges, with income-based subsidies
- **Essential Health Benefits:** All ACA-compliant plans must cover ten essential benefits (e.g., preventive care, mental health, maternity)
- **Pre-Existing Conditions:** Insurers cannot deny coverage or charge more for pre-existing health conditions
- **Dependent Coverage:** Coverage must be offered to dependents up to age 26
- **No Lifetime/Annual Limits:** Bans on dollar limits for essential benefits
- **Preventive Services:** Must be provided at no cost to the patient under most plans
- **Reporting Requirements:** Employers and insurers must report coverage to the IRS (Forms 1094-C/1095-C)

Federal Agency

- Department of Health and Human Services (HHS)
- Internal Revenue Service (IRS)
- Department of Labor (DOL)

Source

- **https://www.hhs.gov/healthcare/about-the-aca/index.html**

1986

COBRA (Consolidated Omnibus Budget Reconciliation Act)

Definition

COBRA is a federal law that allows employees and their covered dependents to continue group health insurance coverage after certain qualifying events (such as job loss), for a limited time and at their own expense.

Applies To

- Private-sector employers with 20 or more employees that offer group health plans
- State and local government employers
- Does not apply to federal government plans (those are covered under different continuation laws)

Provisions

Qualifying Events for employees:

- Voluntary or involuntary job loss (excluding gross misconduct)
- Reduction in work hours

Qualifying Events for dependents:

- Death of the covered employee
- Divorce or legal separation
- Dependent child aging out of the plan

Coverage Duration:

- Up to 18 months for job loss/reduction in hours
- Up to 36 months for other qualifying events (e.g., divorce, death, loss of dependent status)

Cost:

The beneficiary pays 100% of the premium (employer + employee share), plus up to 2% administrative fee

Notification Requirements:

- Employers must notify plan administrators within 30 days of a qualifying event.
- Plan administrators must notify eligible individuals within 14 days of their COBRA rights.

Federal Agency

- U.S. Department of Labor (DOL)
- Internal Revenue Service (IRS)
- Centers for Medicare & Medicaid Services (CMS)

Source

- https://www.dol.gov/general/topic/health-plans/cobra

Workplace Safety & Privacy Laws

1970

The Occupational Safety and Health Act (OSHA)

Definition
OSHA) was enacted to ensure safe and healthy working conditions for employees in the United States.

Applies To
- Most private-sector employers and their employees across the U.S.
- Includes manufacturing, construction, agriculture, maritime, and other industries.

Exemptions
- Self-employed individuals.
- Family-operated farms employing only family members.
- Workplaces regulated by other federal agencies (e.g., mining by the Mine Safety and Health Administration, airlines under FAA).
- State and local government employees (unless the state has an OSHA-approved plan covering these employees).

Provisions
Employer Responsibilities
- Provide a workplace free from recognized hazards likely to cause death or serious physical harm.
- Comply with OSHA standards, rules, and regulations.
- Ensure employees are aware of their rights under the act.

Employee Rights
- Work in a safe environment.
- Receive training about workplace hazards.
- File complaints with OSHA about unsafe conditions without fear of retaliation.
- Participate in OSHA inspections and access workplace injury and illness records.

Standards and Regulations
OSHA sets specific standards for various industries regarding:
- Hazard communication.
- Personal protective equipment (PPE).
- Exposure to toxic substances.
- Use of machinery and equipment, and Fire safety, construction safety, and more.
- Employers must report work-related fatalities and severe injuries to OSHA.
- Maintain records of workplace injuries and illnesses.

General Duty Clause
- If no specific standard applies, the general duty clause requires employers to maintain a safe and healthy workplace.

Federal Agency
- The Occupational Safety and Health Administration (OSHA), under the U.S. Department of Labor, is responsible for.

Source
https://www.osha.gov/laws-regs/oshact/completeoshact

1988

Worker Adjustment and Retraining Notification Act (WARN Act)

Definition

The WARN Act is a federal law that requires employers to provide 60 calendar days' advance written notice of plant closings and mass layoffs to affected employees and certain government entities.

Applies To

- Private for-profit and nonprofit employers
- Employers with 100 or more full-time employees (or 100+ employees who work at least a combined 4,000 hours/week)
- Excludes part-time workers (less than 20 hours/week or employed fewer than 6 months)

Provisions

Notice Requirement: 60 days' written notice must be given before:

- Plant Closings: Permanent or temporary shutdown of a site or facility affecting 50+ employees
- Mass Layoffs: Reduction in force of:
- 50+ employees if they constitute at least 33% of the workforce, or
- 500+ employees at a single site regardless of percentage

Who Must Be Notified:

- Affected employees (or their union reps)
- State dislocated worker unit
- Local chief elected official (e.g., mayor)

Content of Notice:

- Expected date of the layoff/closure
- Reason for layoff or closure
- Job titles and number of affected workers
- Information on bumping rights, if any

Exceptions to 60-Day Rule:

- Faltering company (only for plant closings)
- Unforeseeable business circumstances
- Natural disasters

Federal Agency

- Enforced by: U.S. Department of Labor (DOL)
- Employee Enforcement

Source

- https://www.dol.gov/general/topic/training/warn-reg-preamble#:~:text=The%20Worker%20Adjustment%20and%20Retraining%20Notification%20Act%20(WARN%2C%20the%20statute,enacted%20on%20August%204%2C%201988.

Fair Credit Reporting Act (FCRA)

Definition

The Fair Credit Reporting Act (FCRA) is a federal law that regulates how consumer information is collected, accessed, and used—especially by employers using consumer reports (e.g., background checks, credit reports) for employment purposes.

Applies To

- Employers who use third-party consumer reporting agencies to obtain background checks or credit reports on applicants or employees
- Consumer Reporting Agencies that compile and furnish consumer reports
- Job applicants and employees, as the law gives them specific rights

Provisions

- **Disclosure & Authorization:** Employers must give written notice and obtain written consent before obtaining a consumer report for employment purposes.
- **Pre-Adverse Action Notice:** Before taking any negative action (e.g., rescinding a job offer), employers must provide the applicant/employee with acopy of the consumer report and a "Summary of Rights Under the FCRA"
- **Adverse Action Notice:** If the employer proceeds with adverse action, they must notify the individual, provide the name and contact info of the consumer reporting agency and a statement that the agency did not make the decision and Notice of the right to dispute the accuracy of the report
- **Dispute Rights:** Individuals have the right to dispute inaccurate or incomplete information in their report
- **Data Accuracy & Confidentiality:** CRAs must ensure maximum possible accuracy and limit access to data to authorized users only.

Federal Agency

- Federal Trade Commission (FTC)
- Consumer Financial Protection Bureau (CFPB)
- State Attorneys General (in certain cases)

Source

- https://www.ftc.gov/legal-library/browse/statutes/fair-credit-reporting-act

1970

The Uniformed Service Employment and Reemployment Rights Act (USERRA)

Definition

USERRA is a federal law designed to protect the job rights of individuals who voluntarily or involuntarily leave their civilian employment to undertake military service or certain types of service in the National Disaster Medical System.

Applies To

- Employers: All U.S. employers, regardless of size, including public and private organizations, are covered. This includes federal, state, and local governments.
- Employees: Individuals serving or who have served in the uniformed services.
- This includes: Active Duty, National Guard, Reserves, Commissioned Corps of the Public Health Service, and Those performing duties in the National Disaster Medical System when activated.

Provisions

Employees must be reemployed in their civilian jobs upon return from service if:

The employer was notified of the service.
The cumulative service period does not exceed five years (with some exceptions).
The employee was honorably discharged or released from service.
The employee timely requests reinstatement after service.

- Employers cannot discriminate against individuals because of their past, present, or future military obligations.
- Health insurance coverage can continue for up to 24 months during military service, with the employee paying only the usual share of premiums for the first 30 days.
- Employees are expected to provide advance written or verbal notice of military service, unless military necessity prevents it or it's impossible or unreasonable.

Federal Agency

- U.S. Department of Labor (DOL), Veterans' Employment and Training Service (VETS

Source

- https://www.dol.gov/agencies/vets/programs/userra

2002

Sarbanes-Oxley Act (SOX)

Definition

The Sarbanes-Oxley Act (SOX) is a federal law enacted in response to major corporate and accounting scandals (e.g., Enron, WorldCom). It aims to protect investors by improving the accuracy and reliability of corporate financial disclosures and preventing corporate fraud.

Applies To

- Publicly traded companies in the U.S.
- Wholly-owned subsidiaries of public companies
- Accounting firms that audit public companies
- Certain provisions also apply to private companies, especially whistleblower protections

Provisions

Section 302

- Corporate Responsibility
- CEOs and CFOs must personally certify the accuracy of financial reports.

Section 404

- Internal Controls
- Requires management and external auditors to report on the adequacy of the company's internal control over financial reporting.

Section 802

- Criminal Penalties
- Imposes penalties for destroying, altering, or falsifying records with intent to obstruct investigations.

Whistleblower Protections

- Employee Protection
- Prohibits retaliation against employees who report fraud or violations.

Record Retention

- Data Integrity
- Requires retention of audit and review workpapers for at least 5 years.

Federal Agency

- Securities and Exchange Commission (SEC)
- Public Company Accounting Oversight Board (PCAOB)
- Department of Justice (DOJ)

Source

- https://www.congress.gov/bill/107th-congress/house-bill/3763

Immigration and Employment Laws

1952

The Immigration and Nationality Act - INA

Definition

The Immigration and Nationality Act of 1952 (INA) is the foundational law governing U.S. immigration and nationality.

Applies To

- Foreign nationals seeking to enter or remain in the United States for purposes such as tourism, work, study, or permanent residency.
- Current U.S. residents applying for citizenship.
- Employers hiring foreign nationals.
- Individuals or entities involved in immigration-related violations or matters, including enforcement.

Provisions

- Establishes visa classifications (immigrant and nonimmigrant) for temporary and permanent entry into the U.S.
- Sets quotas and preference systems for family-sponsored and employment-based immigration.
- Lists grounds for exclusion, including criminal activity, health conditions, security risks, and likelihood of becoming a public charge.
- Provides grounds for deportation, such as overstaying visas, criminal offenses, or violating visa terms.
- Defines eligibility criteria and procedures for becoming a U.S. citizen.
- Includes provisions for admitting refugees and granting asylum to those fleeing persecution.
- Regulates the employment of foreign workers, including work permits and the prohibition of unauthorized employment.
- Facilitates immigration for close family members of U.S. citizens and lawful permanent residents.
- Establishes rules for border enforcement, immigration inspections, and penalties for violations.

Federal Agency

- U.S. Citizenship and Immigration Services (USCIS)
- U.S. Immigration and Customs Enforcement (ICE) .
- U.S. Customs and Border Protection (CBP)
- Executive Office for Immigration Review (EOIR) - Operates under the DOJ and handles immigration court proceedings.
- Department of State (DOS)

Source

- **https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act**

1986

The Immigration Reform and Control Act (IRCA)

Definition

The Immigration Reform and Control Act (IRCA) of 1986 is a U.S. law aimed at addressing issues related to unauthorized immigration.

Applies To

- IRCA applies to all employers in the United States, regardless of size, and requires compliance from both public and private sector organizations.
- It also applies to all employees and job applicants, regardless of their citizenship or immigration status.

Provisions

- Employment Verification (Form I-9) - Employers must verify the identity and employment authorization of all new hires (citizens and non-citizens) by completing and retaining Form I-9.
- Prohibits employers from discriminating based on citizenship status or national origin during the hiring, firing, or recruitment process.
- Employers face civil and criminal penalties for knowingly hiring unauthorized workers or failing to comply with Form I-9 requirements.

Federal Agency

- The U.S. Department of Homeland Security (DHS)
- U.S. Citizenship and Immigration Services (USCIS)
- Immigration and Customs Enforcement (ICE)
- The Department of Justice's Immigrant and Employee Rights Section (IER).

Source

- https://www.congress.gov/bill/99th-congress/senate-bill/1200

Unemployment and Workers' Compensation Laws

1935

Unemployment Insurance (UI)

Definition

Unemployment Insurance provides temporary financial assistance to eligible workers who lose their job through no fault of their own (e.g., layoffs, reduction in force).

Applies To

- Most employees in the private sector, as well as state and local government workers (varies by state).
- Employers are required to pay UI taxes under federal and state laws.

Provisions

- Eligibility is determined based on previous earnings, reason for separation, and active job search.
- Weekly benefits are calculated as a percentage of prior earnings, up to a state maximum.
- States may offer extended benefits during high unemployment periods.

Federal Agency

- Administered at the state level (State Workforce Agencies)
- Overseen federally by the U.S. Department of Labor (DOL)
- Employment and Training Administration (ETA)

Source

- https://www.law.cornell.edu/wex/unemployment_compensation

Workers' Compensation (WC)

Definition

Workers' Compensation provides medical benefits, income replacement, and rehabilitation to employees who suffer job-related injuries or illnesses, regardless of fault.

Applies To

- Covers most employees across all industries.
- Employers are required to carry workers' compensation insurance (some exceptions apply for very small employers or certain industries, depending on state law).

Provisions

- Medical care for treatment of the injury/illness
- Wage replacement (usually two-thirds of the average weekly wage, subject to a cap)
- Disability benefits (temporary or permanent)
- Survivor benefits for dependents if the worker dies from a job-related injury
- Return-to-work and rehabilitation support in some states

Federal Agency

- Administered by state Workers' Compensation Boards or Commissions
- Each state regulates its own workers' comp system
- Federally, the U.S. Department of Labor oversees coverage for federal employees through the Office of Workers' Compensation Programs (OWCP)

Source

- https://www.law.cornell.edu/wex/workers_compensation

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