

Small Business Compliance Cheat Sheet - Federal Employment Laws by Employer Size



Provided by Foundation Benefits

An employer's size, meaning the number of employees, is a key factor in determining which federal laws—including employment, health care, safety, privacy and financial laws—the organization must comply with. Determining an employer's size can vary depending on the types of employees, where the employees are located and a law's specific requirements. It's vital for small businesses to be aware of the sized-based federal laws that may apply to their organizations to ensure they're complying with all applicable laws and regulations. This is especially important for employers with fluctuating workforce numbers or who are considering hiring additional employees. Knowing which federal employment laws apply can enable small businesses to remain compliant, improve organizational efficiency, enhance employee morale and well-being, and set up for long-term success.

This cheat sheet provides a broad overview of key sized-based federal employment laws. If small businesses have questions regarding which federal, state and local governments may apply to their organizations or how to best navigate those laws, they should reach out to their local legal counsel.

Federal Employment Laws That Apply to Employers of All Sizes

The following federal employment laws apply to employers regardless of size:

Law	Description	Resources
Consumer Credit Protect Act (CCPA)	This law 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.	The U.S. Department of Labor (DOL) Wage and Hour Division's (WHD) Employment Law Guide - Wages and Hours Worked: Wage Garnishment
Employee Polygraph Protection Act (EPPA)	This act prohibits employers from using lie detector tests for preemployment screening or during the course of employment, with certain exceptions.	The DOL WHD's Employment Law Guide: Lie Detector Tests
Employee Retirement Income Security Act (ERISA)	This law sets minimum standards for employee benefit plans, including retirement plans—such as 401(k) plans—and welfare benefit plans, including group health plans.	The DOL's Employee Benefits Security Administration's website
Equal Pay Act (EPA)	Employers must provide equal compensation to men and women who perform work within the same workplace.	The U.S. Equal Employment Opportunity Commission's (EEOC) Facts about Equal Pay and Compensation Discrimination
Fair Labor Standards Act (FLSA)	This law establishes minimum wage, overtime, recordkeeping and child labor standards for employers.	The DOL WHD's Handy Reference Guide to the Fair Labor Standards Act

Federal Employment Laws That Apply to Employers of All Sizes (cont.)

Law	Description	Resources
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 Employment Eligibility Verification form (Form I-9). Employers must retain a Form I-9 for each individual hired and make it available for inspection by authorized government officers.	The U.S. Citizenship and Immigration Services' Handbook for Employers
Jury Systems Improvement Act	This law prohibits employers from discharging or taking other adverse employment action against employees who are summoned to jury duty in federal court. Most states have their own employment laws regarding jury duty. For more information, employers can reference 28 U.S. Code Section 1875 .	28 U.S. Code Section 1875
Occupational Safety and Health Act (OSH Act)	This act requires employers to provide a safe workplace for their employees. The Occupational Health and Safety Administration (OSHA) sets and enforces protective workplace safety and health standards.	OSHA's At-a-Glance guide
Uniformed Services Employment and Reemployment Rights Act (USERRA)	This law prohibits employers from discriminating against individuals on the basis of membership in the uniformed services with regard to any aspect of employment.	The DOL's Veteran's Employment Training Service's guide

Federal Employment Laws That Apply to Employers With 15 or More Employees

The following federal employment laws apply to employers with 15 or more employees:

Law	Description	Resources
Americans with Disabilities Act (ADA)	This law 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.	The EEOC's Facts About the Americans with Disabilities Act
Genetic Information Nondiscrimination Act (GINA)	This act prohibits employers from discriminating against employees or applicants based on their genetic information.	The EEOC's Fact Sheet: Genetic Information Nondiscrimination Act
Pregnancy Discrimination Act (PDA)	This law prohibits workplace discrimination based on pregnancy, childbirth or related medical conditions.	The EEOC's Facts About Pregnancy Discrimination

Federal Employment Laws That Apply to Employers With 20 or More Employees

The following federal employment laws apply to employers with 20 or more employees:

Law	Description	Resources
Age Discrimination in Employment Act (ADEA)	This law prohibits employers from discriminating against employees or applicants who are age 40 or older based on their age.	The EEOC's Facts about Age Discrimination
Consolidated Omnibus Budget Reconciliation Act (COBRA)	This act 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 (e.g., termination of employment).	The DOL's Employee Benefits Security Administration's An Employer's Guide to Group Health Continuation Coverage Under COBRA

Federal Employment Laws That Apply to Employers With 50 or More Employees

The following federal employment laws apply to employers with 50 or more employees:

Law	Description	Resources
Affordable Care Act (ACA) – Employer Shared Responsibility Rules	Under this act, 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 the Health Insurance Marketplace.	The IRS' Questions and Answers on Employer Shared Responsibility Provisions Under the Affordable Care Act
Family and Medical Leave Act (FMLA)	This law requires employers to provide eligible employees with unpaid, job-protected leave for specified family and medical reasons.	The DOL WHD's The Employer's Guide to FMLA

Federal Employment Laws That Apply to Employers With 100 or More Employees

The following federal employment laws apply to employers with 100 or more employees:

Law	Description	Resources
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 and job category to the EEOC each year.	The EEOC's website on EEO-1 Component Data Collection
Worker Adjustment and Retraining Notification Act (WARN)	Employers are required to provide a 60-day advance notice to employees of imminent covered plant closings and covered mass layoffs.	The DOL's Employment and Training Administration's Employer's Guide to Advance Notice of Closings and Layoffs