

Federal Labor Laws



TREATY OAK
EMPLOYERS' LAW GROUP

The last thing that any business wants is to run afoul of **Federal Labor Laws**. Doing so can result in severe consequences, including fines, legal costs, back pay owed to employees, employee lawsuits, reputational damage, and sometimes even criminal prosecution. However, not every Federal Labor Law applies to every business. **Learn your federal obligations based on how many people you employ.**

FEDERAL LAW	ALL EMPLOYERS	11+	15+	20+	50+	100+
American Taxpayer Relief Act of 2012	✓	✓	✓	✓	✓	✓
Consumer Credit Protection Act of 1968	✓	✓	✓	✓	✓	✓
Employee Polygraph Protection Act of 1988	✓	✓	✓	✓	✓	✓
Employee Retirement Income Security Act (ERISA) of 1974	✓	✓	✓	✓	✓	✓
Equal Pay Act of 1963	✓	✓	✓	✓	✓	✓
Fair and Accurate Credit Transactions Act (FACT) of 2003	✓	✓	✓	✓	✓	✓
Fair Credit Reporting Act of 1969	✓	✓	✓	✓	✓	✓
Fair Labor Standards Act of 1938	✓	✓	✓	✓	✓	✓
Federal Insurance Contributions Act (FICA) of 1935 (Social Security)	✓	✓	✓	✓	✓	✓
Health Insurance Portability and Accountability Act (HIPAA) of 1996 ¹	✓	✓	✓	✓	✓	✓
Immigration Reform and Control Act of 1986	✓	✓	✓	✓	✓	✓
Immigration and Nationality Act (INA)	✓	✓	✓	✓	✓	✓
Lilly Ledbetter Fair Pay Act of 2007	✓	✓	✓	✓	✓	✓
Mental Health and Addiction Equity Act of 2008 ²	✓	✓	✓	✓	✓	✓
National Labor Relations Act of 1947	✓	✓	✓	✓	✓	✓
Newborns' and Mothers' Health Protection Act of 1996 ³	✓	✓	✓	✓	✓	✓
Occupational Safety and Health Act (OSHA) of 1970	✓	✓	✓	✓	✓	✓

FOOTNOTES:

¹ If company offers benefits.

²⁻³ For group health insurance plans.

Federal Labor Laws, continued

FEDERAL LAW	ALL EMPLOYERS	11+	15+	20+	50+	100+
OSHA Hazard Communication Standard	✓	✓	✓	✓	✓	✓
Sarbanes-Oxley Act of 2002	✓	✓	✓	✓	✓	✓
Uniformed Services Employment and Reemployment Rights Act of 1994	✓	✓	✓	✓	✓	✓
OSHA Recordkeeping		✓	✓	✓	✓	✓
Americans with Disabilities Act of 1990			✓	✓	✓	✓
Genetic Information Nondiscrimination Act (GINA) of 2008			✓	✓	✓	✓
Pregnancy Discrimination Act			✓	✓	✓	✓
Title VII of the Civil Rights Act of 1964			✓	✓	✓	✓
Age Discrimination in Employment Act of 1967				✓	✓	✓
Consolidated Omnibus Benefits Reconciliation Act (COBRA) of 1986				✓	✓	✓
EEO-1 Report filed annually					✓	✓
Family and Medical Leave Act of 1993					✓	✓
Patient Protection and Affordable Care Act (PPACA)					✓	✓
Worker Adjustment and Retraining Notification Act of 1988						✓

FOOTNOTES:

³ For group health insurance plans.

Labor Laws for Organizations with Federal Contracts



TREATY OAK
EMPLOYERS' LAW GROUP

If your organization has a **federal government contract** (even if you are a subcontractor working under that contract), there are specific legal requirements for you to follow that may be based on the type and dollar amount of the contract. Additionally, there are laws you must adhere to based on your total number of employees – this chart covers those laws.

It is incredibly important to make sure you are in compliance, because violating these laws gets you on the federal black list of vendors who can't be used for any government contract.

FEDERAL LAW	ALL CONTRACTORS	11+	15+	20+	50+	100+
Executive Order 11246 of 1965 (Affirmative Action)					✓	✓
Vietnam-Era Veterans Readjustment Assistance Act of 1974					✓	✓
Vocational Rehabilitation Act of 1973, Section 503					✓	✓
Contract Work Hours and Safety Standards Act (CWHSSA)	✓	✓	✓	✓	✓	✓
Copeland Act of 1934	✓	✓	✓	✓	✓	✓
Davis Bacon Act of 1931	✓	✓	✓	✓	✓	✓
Drug-Free Workplace Act of 1988	✓	✓	✓	✓	✓	✓
Executive Order 13201	✓	✓	✓	✓	✓	✓
McNamara-O'Hara Service Contract Act (1965)	✓	✓	✓	✓	✓	✓
Walsh-Healy Act of 1936	✓	✓	✓	✓	✓	✓
War Hazards Compensation Act of 1942 ¹	✓	✓	✓	✓	✓	✓

FOOTNOTES:

¹ Employees working overseas.

Is Your Business Hiring an Independent Contractor?



TREATY OAK
EMPLOYERS' LAW GROUP

Ideally, you want to be able to check off all of the statements below to ensure your hire meets the requirements of an **independent contractor**.

That said, defining an "employee" isn't always straightforward because there is no one universal definition – this is where the art of lawyering and interpretation comes into play. This checklist is merely meant to serve as a guideline.

If you can say that every one of these things is absolutely true, you almost certainly have an independent contractor. However, you should still consult with an attorney on all the grey areas:

- ☐ Our management staff will not instruct the worker on when, where, and how to do their work.
- ☐ Our company will not provide the worker with training.
- ☐ The success/continuation of our business does not depend on the type of service the worker provides.
- ☐ Contracted services do not need to be personally completed by the worker.
- ☐ Our business will not specifically hire, pay, or supervise someone to help the worker in completing their contracted project.
- ☐ Work will not be done on company premises.
- ☐ There is no set routine or schedule the worker must follow to do their work.
- ☐ Our business has no post-project relationship with the worker.
- ☐ The worker is free to complete the project on their own schedule so long as they meet deadlines.
- ☐ The project does not require the individual to work full-time permanently.
- ☐ Our business does not require task updates.
- ☐ Our business will not pay the contractor by the month, week, or hour.
- ☐ There will be never be individual reimbursement for business or travel expenses.
- ☐ Our business will not be supplying materials or tools to complete the work.
- ☐ No work will be performed in a facility where our business has made substantial investments.
- ☐ The individual will receive no protection from any profit/loss based on their work.