

Overview of Core Federal Employment Laws

Statute (Agency Enforcement)	Who is Covered?	What Does the Law Say?
Age Discrimination in Employment Act (EEOC)	Employers with 20 or more employees.	Protects individuals age 40 and older from employers taking adverse personnel action based on age.
Americans With Disabilities Act (EEOC)	Employers with 15 or more employees	Prohibits employers from discriminating against qualified individuals with disabilities in regard to employment. All applicants must have equal access to the job application process, job opportunities, promotions, benefits and privileges.
The Civil Rights Act of 1964; a/k/a Title VII (EEOC)	Same	Prohibits employment discrimination based on race, sex, religion or national origin.
The Pregnancy Discrimination Act (EEOC)	Same	Forbids job discrimination against a female on the basis of pregnancy, childbirth or related medical conditions.
Sexual Harassment (Gender-based discrimination) (EEOC)	Same	Employers and their agents are expressly prohibited from: "unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when submission to the conduct enters into employment decisions... or reasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment."
Civil Rights Act of 1991 (EEOC)	Employers covered by Title VII or by the ADA	Allows for jury trials and compensatory and limited punitive damages in cases brought under Title VII or the ADA if intentional discrimination is found at any stage in a work relationship. Compensatory damages can include: future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, or loss of enjoyment of life.
Civil Rights Act of 1866	At-will employment and other contractual relationships	Prohibits race bias in all aspects of employment including "making, performance, modification, and termination of contracts, and the enjoinder of all benefits, privileges, terms and conditions of the contractual relationship." Allows for unlimited punitive damages.
Equal Pay Act (DOL)	All employers covered by the federal Fair Labor Standards Act	Requires equal pay for employees of either sex for equal work.

Executive Order 11246 (DOL – Office of Federal Contract Compliance Programs – OFCCP)	Employers who are government contractors	Requires nondiscriminatory employment practices of all contractors; requires contractors with 50 or more employees and contracts of \$50,000 or more to implement written affirmative action plans for women and minorities.
Vocational Rehabilitation Act of 1973 (OFCCP)	Employers who are government contractors or receive federal financial assistance	Prohibits discrimination in employment against individuals with disabilities.
Family and Medical Leave Act (DOL) as amended by National Defense Authorization Act	Employers with 50 or more employees within a 75 mile radius of a worksite	Requires 12 work weeks of unpaid leave for employees with 12 months employment and 1250 hours of work for certain specified events: birth or adoption of child; the care of a seriously ill child, spouse or parent; the employee's own serious health condition; “qualifying exigency” connected to military active duty status of employee’s relative; or “caregiver” leave for wounded military service member.
Illegal Immigration Reform and Immigrant Responsibility Act (USCIS)	All Persons	Makes it illegal to knowingly hire or recruit undocumented workers; requires employers to attest to their employees’ immigration status (Form I-9)
Employee Retirement Income Security Act and Health Insurance Portability and Accountability Act (DOL)	All employers who establish retirement and health benefit plans	Sets minimum standards for retirement and health benefit plans in private industry; provides rights and protections for participants and beneficiaries in group health plans.
Veterans Reemployment Rights Act (DOL)	All Employers	Provides for retention of civilian employment and benefits following military service.
Occupational Safety and Health Act (DOL)	All Employers	Requires working places to meet established standards for safety and health.
Workers Adjustment and Retraining Notification Act (DOL)	Employers with 100 or more employees	Requires sixty-day advance notice of covered plant closures and covered mass layoffs.
Employee Polygraph Protection Act (DOL)	Most private employers	Limits use of lie detector tests by employers except in cases where employees are reasonably suspected of involvement in workplace theft or similar incident resulting in loss to employer.
Fair Credit Reporting Act (FTC)	Most Employers	Requires notice to employees or applicants when investigation reports are conducted by outside firms for purposes of employment decisions.

Genetic Information Nondiscrimination Act (EEOC) <i>Effective 2009</i>	Most Employers	Prohibits employers and health insurers from discriminating against employees or applicants based on genetic testing or genetic information.
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 EEOC U.S. Equal Employment Opportunity Commission
 FTC U.S. Fair Trade Commission
 OFCCP Office of Federal Contract Compliance Programs
 USCIS U.S. Citizenship and Immigration Services

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