

TABLE OF CONTENTS
FOR
LEGAL OBLIGATIONS
AND AGENCIES

INTRODUCTION L-1

LEGAL OBLIGATIONS FOR MOST EMPLOYERS L-1

Fair Labor Standards Act (FLSA) L-1

Illinois Minimum Wage and Overtime Act
 (aka Minimum Wage Law) L-1

Equal Pay Act (EPA) (Federal) L-1

Federal Unemployment Tax Act (FUTA) L-1

Illinois Unemployment Insurance Act L-1

Social Security Act L-2

Occupational Safety and Health Act (OSHA) L-2

Immigration Reform and Control Act (IRCA) L-2

Uniformed Services Employment and
 Re-employment Rights Act (USERRA) L-2

Employee Polygraph Protection Act (EPPA) L-2

Fair Credit Reporting Act L-2

Personal Responsibility and Work
 Opportunity Reconciliation Act (PRWORA) L-2

Employee Retirement Income Security Act (ERISA) L-2

Patient Protection and Affordable Care Act and
 Health Care and Education Reconciliation Act of 2010 L-2

| | |
|---|------------|
| Health Insurance Portability and Accountability Act (HIPAA) . . . | L-3 |
| Illinois Child Labor Act (<i>aka</i> Child Labor Law) | L-3 |
| Illinois Human Rights Act | L-3 |
| Illinois Street Trades Law | L-3 |
| Illinois One Day Rest In Seven Act (ODRISA) | L-3 |
| Illinois Right to Privacy in the Workplace Act | L-3 |
| Illinois Personnel Records Review Act | L-3 |
| Illinois Right to Breastfeed Act | L-3 |
| Illinois Workers’ Compensation Act and Illinois Workers’ Occupational Diseases Act | L-3 |
| Illinois Genetic Information Privacy Act | L-4 |
| Illinois Wage Payment and Collection Act | L-4 |
| Illinois Industrial Home Work Act | L-4 |
| Toxic Substances Disclosure to Public Employees Act (Right to Know) | L-4 |
| Illinois Whistleblower Act | L-4 |
| Illinois Personal Information Protection Act | L-4 |
| Illinois Day and Temporary Labor Services Act | L-5 |
| Illinois Employee Classification Act | L-5 |
| LEGAL OBLIGATION FOR EMPLOYERS WITH 4 OR MORE EMPLOYEES | L-5 |
| Illinois Equal Pay Act of 2003 | L-5 |

| | |
|---|-----|
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 6 OR MORE EMPLOYEES | L-5 |
| Illinois Equal Wage Act | L-5 |
| Nursing Mothers in the Workplace Act | L-5 |
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 15 OR MORE EMPLOYEES | L-5 |
| Title VII of the Civil Rights Act of 1964 and Civil Rights Act of 1991 | L-5 |
| Illinois Victims' Economic Security and Safety Act (VESSA) | L-6 |
| Pregnancy Discrimination Act | L-6 |
| Americans with Disabilities Act (ADA) | L-6 |
| Genetic Information Nondiscrimination Act (GINA) | L-6 |
| Lilly Ledbetter Fair Pay Act of 2009 | L-6 |
| Illinois Human Rights Act | L-6 |
| Illinois Family Military Leave Act | L-6 |
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 20 OR MORE EMPLOYEES | L-6 |
| Age Discrimination in Employment Act (ADEA) and Older Workers' Benefits Protection Act (OWBPA) | L-6 |
| Consolidated Omnibus Budget Reconciliation Act (COBRA) | L-7 |
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 50 OR MORE EMPLOYEES | L-7 |
| Family and Medical Leave Act (FMLA) | L-7 |
| Illinois School Visitation Rights Act | L-7 |
| Illinois AIDS Confidentiality Act | L-7 |

| | |
|---|------------|
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 75 OR MORE EMPLOYEES | L-7 |
| Illinois Worker Adjustment and Retraining Notification Act (IL WARN) | L-7 |
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH 100 OR MORE EMPLOYEES | L-7 |
| Worker Adjustment and Retraining Notification Act (WARN) ... | L-7 |
| LEGAL OBLIGATIONS FOR EMPLOYERS WITH GOVERNMENT CONTRACTS | L-8 |
| Executive Order 11246 | L-8 |
| Section 503 of the Rehabilitation Act of (1973) | L-8 |
| Preference to Illinois Citizens Act | L-8 |
| Illinois Prevailing Wage Act | L-8 |
| Illinois Drug-Free Workplace Act | L-8 |
| Vietnam-Era Veterans' Readjustment Assistance Act (VEVRAA) | L-9 |
| Davis–Bacon Act | L-9 |
| Walsh–Healy Public Contract Act (PCA) | L-9 |
| Contract Work Hours and Safety Standards Act (CWHSSA) | L-9 |
| McNamara–O’Hara Service Contract Act (SCA) | L-9 |
| EMPLOYERS WHO EMPLOY <i>MIGRANT AND SEASONAL AGRICULTURAL WORKERS</i> | L-9 |
| Migrant and Seasonal Agricultural Worker Protection Act (MSPA) | L-9 |
| Illinois Farm Labor Contractor Certification Act | L-9 |

| | |
|--|-------------|
| REQUIRED POSTINGS | L-10 |
| <i>ALL</i> Employers | L-10 |
| Employers with 4 or More Employees | L-13 |
| Employers with 11 or More Employees | L-14 |
| Employers with 15 or More Employees | L-14 |
| Employers with 50 or More Employees | L-14 |
| Employers with Government Contracts | L-15 |
| Employers who use Migrant and Seasonal Workers | L-16 |
| Employers who Hire Workers with H-2A VISAS | L-16 |
| Employers of Workers with Disabilities Paid at Special Minimum Wages | L-17 |
| Employers who are Day or Temporary Labor Service Agencies ... | L-17 |
| Employers Contractors who Classify Workers as Independent Contractors | L-17 |
| REQUIRED RECORD KEEPING—AT A GLANCE | L-18 |
| REQUIRED RECORD KEEPING | L-19 |
| <i>All</i> Employers | L-19 |
| Employers with 3 or More Employees | L-21 |
| Employers with 4 or More Employees | L-21 |
| Employers with 11 or More Employees | L-21 |
| Employers with 15 or More Employees | L-22 |
| Employers with 20 or More Employees | L-22 |
| Employers with 50 or More Employees | L-22 |
| Employers with Government Contracts | L-22 |
| LISTING OF GOVERNMENT AGENCIES | L-24 |

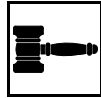
INTRODUCTION

Employers must comply with a multitude of laws and regulations in today's business world. This chapter provides a brief synopsis of most legal obligations (laws and regulations) applicable to employers, a list of required workplace posters and guidance for retention of records.

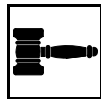
Some laws apply to *all* employers; others apply only to employers with a certain number of employees. The legal obligations, required posters and record-keeping requirements are set out according to the number of employees.

LEGAL OBLIGATIONS

***ALL* EMPLOYERS MUST COMPLY WITH THE FOLLOWING STATE AND FEDERAL LAWS:**



Fair Labor Standards Act (FLSA)—regulates federal minimum wages, overtime pay and child labor. The **Compensation** chapter explains how to comply with the Act, including how to determine whether to apply the FLSA or the minimum wage and hour provisions of the **Illinois Minimum Wage and Overtime Act** (also known as the **Minimum Wage Law**). It also addresses how to manage minimum wages, overtime, breaks, jury duty and FLSA exemption determination.



Illinois Minimum Wage and Overtime Act (also known as the **Minimum Wage Law**)—sets minimum wages for employees. More information is provided in the **Compensation** chapter.



Equal Pay Act (EPA)—federal law requiring equal pay for equal work, regardless of gender. The Act is explained and compliance information is provided in the **Equal Opportunity** and **Compensation** chapters.



Federal Unemployment Tax Act (FUTA) and **Illinois Unemployment Insurance Act**—provides partial wage replacement to unemployed workers. The **Compensation** chapter provides details of both Acts, including exemption determination and how to calculate unemployment insurance tax rates.



Social Security Act—requires employers and employees to pay Social Security taxes. The **Benefits** chapter describes the various obligations and how to comply. The **Payroll** chapter describes how to *pay* Social Security taxes.



Occupational Safety and Health Act (OSHA)—requires workplaces to be free of recognized hazards. The **Safety and Health** chapter explains this very complex and comprehensive Act and methods of compliance.



Immigration Reform and Control Act (IRCA)—requires employers to retain a completed Form I-9 on all employees. The Act also prohibits discrimination based on national origin or citizen status. More information is provided in the **Equal Opportunity** and **Staffing** chapters.



Uniformed Services Employment and Re-employment Rights Act (USERRA)—prohibits discrimination against veterans/employees and requires re-employment rights after military service. More information is provided in the **Equal Opportunity** and **Staffing** chapters.



Employee Polygraph Protection Act (EPPA)—forbids most private employers from polygraph (lie-detector) testing either for pre-employment screening or during the course of employment.



Fair Credit Reporting Act—contains requirements for employers who reject applicants based on their credit reports. More information is provided in the **Staffing** chapter.



Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)—requires *all* employers to report *all* new hires to the state within 20 days of hire. More information is provided in the **Staffing** chapter.



Employee Retirement Income Security Act (ERISA)—regulates pension, retirement and welfare benefit plans. More information is provided in the **Benefits** chapter.



Patient Protection and Affordable Care Act and **Health Care and Education Reconciliation Act of 2010** (known collectively as the **Affordable Care Act [ACA]**)—healthcare reform legislation enacted in March 2010 that begins an extended period of major changes to the current healthcare system. More information is provided in the **Benefits** chapter.



Health Insurance Portability and Accountability Act (HIPAA)—provides for continuation of health insurance coverage and limits denial of coverage for pre-existing conditions. The Act also creates privacy rules to protect individuals' personal health information. More information is provided in the **Benefits** chapter.



Illinois Child Labor Act (also known as the **Child Labor Law**)—regulates the employment of workers less than 16 years of age. More information is provided in the **Staffing** chapter.



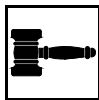
Illinois Human Rights Act—prohibits discrimination based on disability, pregnancy, and sexual harassment. (NOTE: Other provisions of the Act apply to employers with 15 or more employees.) More information is provided in the **Equal Opportunity** and **Staffing** chapters.



Illinois Street Trades Law—regulates the employment of minors in sales or other distributive service occupations.



Illinois One Day Rest In Seven Act (ODRISA)—allows employees 24 consecutive hours of rest in every calendar week. More information is provided in the **Compensation** chapter.



Illinois Right to Privacy in the Workplace Act—prohibits employers from firing or refusing to hire any person for using lawful products off the job or from inquiring into a prospective employee's Workers' Compensation history. More information is provided in the **Staffing** chapter.



Illinois Personnel Records Review Act—allows employees to review, copy and correct personnel records and describes which employee information the employer may gather. More information on personnel records is provided in the **Policies and Practices** chapter.



Illinois Right to Breastfeed Act—gives nursing mothers the right to breastfeed their babies in any location, public or private, where the mother is otherwise authorized to be. The Act also creates a private right of legal action for any woman who has been denied the right to breastfeed in a public or private location.



Illinois Workers' Compensation Act and **Illinois Workers' Occupational Diseases Act**—requires most employers to carry Workers' Compensation insurance coverage and insurance coverage for occupational diseases. More information is provided in the **Compensation** and **Safety and Health** chapters.