

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

Texas Minimum Wage Act L-1

Equal Pay Act (EPA) L-1

Federal Unemployment Tax Act (FUTA) L-1

Texas Unemployment Compensation Act L-1

Social Security Act L-2

Occupational Safety and Health Act L-2

Immigration Reform and Control Act (IRCA) L-2

**Uniformed Services Employment and
 Reemployment Rights Act (USERRA)** L-2

Employee Polygraph Protection Act (EPPA) L-2

Fair Credit Reporting Act (FCRA) 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 L-2

**Health Insurance Portability and
 Accountability Act (HIPAA)** L-3

Texas Workers' Compensation Act	L-3
Texas Pay Day Law	L-3
Texas Child Labor Law	L-3
Texas References Disclosure Law	L-3
Texas Identity Theft Enforcement and Protection Act	L-3
Juror's Right to Re-employment Law	L-3
Breastfeeding Rights and Policies	L-3
Communicable Disease Prevention and Control Act	L-3
Texas Hazard Communication Act (THCA)	L-4
LEGAL OBLIGATIONS FOR EMPLOYERS WITH	
<u>15 OR MORE EMPLOYEES</u>	L-4
Title VII of the Civil Rights Act of 1964	L-4
Civil Rights Act of 1991	L-4
Pregnancy Discrimination Act	L-4
Americans with Disabilities Act (ADA)	L-4
Genetic Information Nondiscrimination Act (GINA)	L-4
Lilly Ledbetter Fair Pay Act of 2009	L-4
Texas Commission on Human Rights Act (TCHRA)	L-4
LEGAL OBLIGATIONS FOR EMPLOYERS WITH	
<u>20 OR MORE EMPLOYEES</u>	L-4
Age Discrimination in Employment Act (ADEA)	L-4
Older Workers' Benefits Protection Act (OWBPA)	L-4
Consolidated Omnibus Budget	
Reconciliation Act (COBRA)	L-5

LEGAL OBLIGATIONS FOR EMPLOYERS WITH <u>50 OR MORE EMPLOYEES</u>	L-5
Family and Medical Leave Act (FMLA)	L-5
LEGAL OBLIGATIONS FOR EMPLOYERS WITH <u>100 OR MORE EMPLOYEES</u>	L-5
Worker Adjustment and Retraining Notification Act (WARN)	L-5
LEGAL OBLIGATIONS FOR EMPLOYERS WITH GOVERNMENT CONTRACTS	L-5
Executive Order 11246	L-5
Section 503 of the Rehabilitation Act of 1973	L-5
Vietnam-Era Veterans' Readjustment Assistance Act (VEVRAA)	L-6
Davis–Bacon Act	L-6
Walsh–Healy Public Contract Act (PCA)	L-6
Contract Work Hours and Safety Standards Act (CWHSSA)	L-6
McNamara–O’Hara Service Contract Act (SCA)	L-6
LEGAL OBLIGATIONS FOR EMPLOYERS WHO USE <u>MIGRANT AND SEASONAL WORKERS</u>	
Migrant and Seasonal Agricultural Worker Protection Act (MSPA)	L-6
REQUIRED POSTINGS	L-7
<u>All</u> Employers	L-7
Employers with <u>11 or More</u> Employees	L-10
Employers with <u>50 or More</u> Employees	L-10

Employers with <u>Government Contracts</u>	L-11
Employers who use <u>Migrant and Seasonal Workers</u>	L-12
Employers of <u>Workers with Disabilities</u> <u>Paid at Special Minimum Wages</u>	L-12
Employers Who Hire <u>Workers with H-2A Visas</u>	L-12
REQUIRED RECORD KEEPING—AT A GLANCE	L-13
REQUIRED RECORD KEEPING	L-14
<u>All Employers</u>	L-14
Employers with <u>3 or More Employees</u>	L-15
Employers with <u>11 or More Employees</u>	L-15
Employers with <u>15 or More Employees</u>	L-16
Employers with <u>20 or More Employees</u>	L-16
Employers with <u>50 or More Employees</u>	L-17
Employers with <u>Government Contracts</u>	L-17
LISTING OF GOVERNMENT AGENCIES	L-18

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 records retention requirements are set out according to the number of employees.

LEGAL OBLIGATIONS

MOST EMPLOYERS MUST COMPLY WITH THE FOLLOWING STATE AND FEDERAL LAWS:



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



Texas Minimum Wage Act—regulates minimum wages in Texas and sets out requirements for earning statements and agricultural piece-rate workers. Does not apply to employers covered by the **Fair Labor Standards Act (FLSA)**. More information is provided in the **Compensation** chapter.



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



Federal Unemployment Tax Act (FUTA) and **Texas Unemployment Compensation 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.



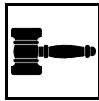
Social Security Act—requires employers and employees to pay Social Security taxes. The **Benefits** chapter describes the various obligations and how to comply. The **Payroll** chapter describes how to pay Social Security taxes.



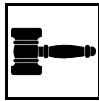
Occupational Safety and Health Act—requires workplaces to be free of recognized hazards. The **Safety and Health** chapter explains this very complex and comprehensive law, including employer responsibilities and methods of compliance.



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 Reemployment Rights Act (USERRA)—prohibits discrimination against veterans/ employees and requires reemployment 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 (FCRA)—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 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. Creates privacy rules to protect individuals’ personal health information. More information is provided in the **Benefits** chapter.



Texas Workers’ Compensation Act

—regulates Workers’ Compensation in Texas. All employers must comply with this law but are not required to carry Workers’ Compensation insurance. More information is provided in the **Benefits** and **Compensation** chapters.



Texas Pay Day Law

—regulates payment of wages for all private Texas employers. More information is provided in the **Compensation** chapter.



Texas Child Labor Law

—regulates the employment of minors under 18 years of age. More information is provided in the **Compensation** chapter.



Texas References Disclosure Law

—provides employers with immunity for disclosing truthful information relating to a current or former employee’s job performance to a prospective employer. More information is provided in the **Staffing** chapter.



Texas Identity Theft Enforcement and Protection Act

—requires all businesses to implement and maintain reasonable security measures to protect and safeguard sensitive personal information and to notify the owners of that information of any security breaches. More information is provided in the **Staffing** chapter.



Juror’s Right to Reemployment Law

—prohibits employers from terminating the employment of a permanent employee for serving as a juror. More information is provided in the **Benefits** and **Compensation** chapters.



Breastfeeding Rights and Policies

—establishes break time and accommodation rights for nursing mothers. More information is provided in the **Safety and Health** chapter.



Communicable Disease Prevention and Control Act

—prohibits employers from requiring employees to undergo testing for Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS). More information is provided in the **Safety and Health** chapter.