

LABOR LAW COMPLIANCE GUIDE

<u>Law/Regulation</u>	<u>Challenges</u>	<u>Estimated COST of Non-Compliance</u>
Fair Labor Standards Act (Minimum Wage, Overtime & Child Labor)	<ul style="list-style-type: none"> • Minimum Wage rates vary by state • Correct Exemptions from Overtime • Child Labor age, positions, hours vary/state 	<ul style="list-style-type: none"> • 2 -3 years of back pay • \$1,000-\$10,000/violation • Lawsuits
Immigration Reform & Control Act	<ul style="list-style-type: none"> • New I9 with document changes • Handling Social Security Mismatch • Responding to an Immigration Visit 	<ul style="list-style-type: none"> • Up to \$1,100 paperwork fine • \$2,000 per Alien – 1st offense • \$10,000 per Alien – repeated
Equal Pay Act	<ul style="list-style-type: none"> • Limited exceptions for pay differentials • Salary history not a factor 	<ul style="list-style-type: none"> • Back Pay/Front Pay • Attorney's fees & damages
Uniformed Services Employment & Re-employment Rights Act	<ul style="list-style-type: none"> • Reemployment & "just cause" rights • Reinstatement of seniority & benefits • Health coverage continuation rules 	<ul style="list-style-type: none"> • Lost wages & benefits • Fine = to wages & benefits
Employee Polygraph Protection Act	<ul style="list-style-type: none"> • Certain exceptions apply • Notice, Disclosure & Admin. Rules • REQUIRED POSTING 	<ul style="list-style-type: none"> • Back Pay/Front Pay • Compens. & Punitive Damages • Fine of up to \$10,000
Consumer Credit Protection Act	<ul style="list-style-type: none"> • Protection for low paid/PT workers • Exceptions to 25% limit (child support) • Termination of employment protections 	<ul style="list-style-type: none"> • Fine of up to \$1,000 • Termed employees can sue
National Labor Relations Act	<ul style="list-style-type: none"> • Broadly covers collective actions • Rules which govern collective bargaining 	<ul style="list-style-type: none"> • Reinstatement • Back Pay
Fair Credit Reporting Act	<ul style="list-style-type: none"> • Disclosure & Authorization • Notice of Adverse Action • Notice to Consumer Reporting Agency 	<ul style="list-style-type: none"> • Lawsuits & Legal Costs • Punitive damages possible • FTC suit - up to \$2500/viol.
Occupational Safety & Health Act	<ul style="list-style-type: none"> • Record Keeping • Reporting & Postings • Responding to an OSHA visit/violation 	<ul style="list-style-type: none"> • \$5,000 min. /willful viol. • Up to \$7,000/serious violation • \$7,000/day uncorrected
Americans with Disabilities Act	<ul style="list-style-type: none"> • Defining Disability • Reasonable Accommodations • Proving Undue Hardship 	<ul style="list-style-type: none"> • Reinstatement -Back/Front Pay • Punitive & Compens. Damages (\$50,000 - \$300,000)
Civil Rights Act of 1964 Title VII (Equal Employment)	<ul style="list-style-type: none"> • "Hostile Work Environment" • Adequate Complaint System • Unintended Discrimin./Disparate Impact 	<ul style="list-style-type: none"> • Reinstatement -Back/Front Pay • Punitive & Compens. Damages (\$50,000 - \$300,000)
Pregnancy Discrimination Act (amend. to Title VII)	<ul style="list-style-type: none"> • Non Discriminatory Leave Policies • Disparate Treatment • Retaining non-pregnant poor performers 	<ul style="list-style-type: none"> • Reinstatement - Back Pay • Punitive & Compens. Damages (\$50,000 - \$300,000)
Consolidated Omnibus Budget Reconciliation Act (COBRA)	<ul style="list-style-type: none"> • Notification of Eligibility • Billing & Records Management • Tracking Elections & Length of Covg. • Conversion & Termination Notices 	<ul style="list-style-type: none"> • IRS \$100-\$200 per day • ERISA \$110 per day • Legal fees & Court Costs • Medical Claims-Beneficiary
Age Discrimination In Employment Act	<ul style="list-style-type: none"> • Corrective Action of employee over 40 • Various protections (pre-employment) • Minimum standards to waive rights 	<ul style="list-style-type: none"> • Back Pay/Front Pay • Legal Fees
Family and Medical Leave Act of 1993	<ul style="list-style-type: none"> • Compliant Administration • Defining serious medical condition • Managing intermittent leave 	<ul style="list-style-type: none"> • \$110/instance for no notice • Back Pay & Reinstatement • Legal Fees
Health Insurance Portability Act	<ul style="list-style-type: none"> • Compliant Administration • Employee Training • Securing Protected Information 	<ul style="list-style-type: none"> • Wrongful disclosure up to \$50K • False pretenses up to \$100K • Intent to sell up to \$250K • Civil = \$100 per, up to 25K