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Hughes-Consulting specializes in **Human Resources and Organizational Effectiveness Consulting.**

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DO YOU KNOW THE EMPLOYMENT LAWS AND REGULATIONS THAT AFFECT YOUR BUSINESS?

Law	Key Provisions	Affects These Businesses
Civil Rights Acts of 1964 & 1991	Prohibits discrimination in employment on basis of race, color, religion, sex, or national origin. Discrimination based on sex, religion, or national origin is allowed IF the characteristic can be justified as a ‘ bona fide occupational qualification ’ reasonably necessary to the normal operation of the particular business or enterprise.	All private employers of 15 or more persons who are employed 20 or more weeks a year. Public and private employment agencies. All public and private educational institutions. State and local governments.
Immigration Reform and Control Act	Establishes penalties for employers who knowingly hire illegal aliens; prohibits employment discrimination on the basis of national origin or citizenship.	All employers must have employees complete an I-9 form and ask for proof of identify, such as a driver's license with picture, Social Security card, birth certificate, or immigration permit. The I-9 form must be completed within 72 hours of hire.
Americans with Disabilities Act	Prohibits employment-related discrimination against persons with disabilities who can perform essential functions of jobs. Requires employer accommodations for individuals with disabilities.	ALL employers with 15 or more employees.
Age Discrimination in Employment Act	Prohibits discrimination in terms, conditions, or privileges of employment against all individuals age 40 or over.	All employers with 20 or more employees.
Occupational Safety and Health Act	Requires employers to maintain a workplace that is free from recognized hazards that would cause injury or death to employees. Employees may not be discharged for refusing to do work that the employee believes will place them at risk of injury or exposes them to a hazardous workplace condition.	All employers are required to post OSHA notification. Employers with 10 or more employees are required to keep accident/injury records.
Family & Medical Leave Act of 1993	The law requires that employers allow eligible employees to take a total of 12 weeks' leave during any 12-month period for one or more of three situations: <ul style="list-style-type: none"> • Birth, adoption, or foster care placement of a child; • Caring for a spouse, a child, or a parent with a serious health condition; 	All Federal, state, and private employers with 50 or more employees. Eligible employees: Those who have worked at least 12 months and 1,250 hours in the previous year. Hours worked and length of service is NOT differentiated by ‘temporary’ or ‘permanent’ employee status. Full-time exempt-pay employees are presumed

	<ul style="list-style-type: none"> • Serious health condition of the employee <p>Employees taking FMLA leave must be able to return to the same job or a job of equivalent status or pay. Health benefits must be continued during the leave at the same level and conditions. Leave may be taken intermittently or in one block.</p>	to have met the length of service and hours-worked requirement.
Consolidated Omnibus Benefit Reconciliation Act of 1986 (COBRA)	<p>Requires employers to provide extended health-care coverage to:</p> <ul style="list-style-type: none"> • Employees who voluntarily quit; • Widowed or divorced spouses and dependent children of former or current employees; • Retires and their spouses whose health-coverage ends. 	All employers (except churches and the Federal government) with 20 or more employees who have a health insurance plan for their employees.
Health Insurance Portability and Accountability Act of 1996 (HIPPA)	<p>Prohibits health insurance plans from excluding employees with pre-existing medical conditions. It also prohibits groups insurance plans from dropping coverage for a sick employee. Requires employers to provide privacy of medical records notifications to employees. Regulates the disclosure of protected health information without authorization.</p>	Health plans with 50 or more participants. Employers with employee medical information
Fair Labor Standards Act of 1938 (FLSA)	<p>Under FLSA, employees are classified as 'exempt' or 'non-exempt'. Exempt employees hold positions classified as <i>executive, administrative, professional, or outside sales</i>. Employers are not required to pay overtime. Non-exempt or hourly employees MUST be paid overtime. Overtime pay or compensatory time off must be given at the rate of 1 ½ times the employees hourly rate.</p>	Most employers.
Harassment (Title VII of 1964 Civil Rights Act)	<p>Prohibits harassment of an employee based on race, color, sex, religion, national origin, age, or disability. Employers will be held legally responsible for unlawful harassment by supervisors.</p>	All employers