

Federal Labor Laws By Number of Employees 1-14 Employees	State of Tennessee Labor Laws
<p>Title III of the Consumer Credit Protection Act (CCPA) of 1968 protects employees from being discharged by their employers because their wages have been garnished for any one debt and limits the amount of employees' earnings which may be garnished in any one week.</p>	
<p>The Employee Polygraph Protection Act (1988) prohibits employers from requiring employees or prospective employees to submit to lie detector tests and makes it illegal to use or inquire about a lie detector test conducted by someone else.</p>	
<p>Employee Retirement Income Security Act (ERISA) 1974 (if company offers benefits) ensures that employees get pension and other benefits promised by their employers. It also requires tax-favored pension plans to provide benefits in a way that doesn't favor the highest-paid employees.</p>	
<p>Fair Credit Reporting Act (1970) allows credit-reporting agencies to provide background financial and personal information on prospective and current employees to employers. FCRA regulates an employer's ability to collect and use certain types of information in employment decisions.</p>	
<p>Fair Labor Standards Act (FLSA, or Wage and Hour Law) (1938) (Major revisions in 2004) applies to employers engaged in interstate commerce, which means virtually all employers. It sets minimum hourly wages, training wages, overtime hours and rates (generally one-and-a-half times the regular pay for work in excess of 40 hours per week for non-exempt employees), and regulates the employment of children under 18.</p>	

<p>Federal Insurance Contributions Act (FICA) (1935)--requires that taxes be collected from both employers and employees to fund the Social Security program.</p>	
<p>Health Insurance Portability and Accountability Act (HIPAA) of 1996 (if company offers benefits) The HIPAA Privacy Rule creates national standards to protect individuals' health records and to give them control over that information. It sets limits on the use and release of health records and establishes safeguards to protect the privacy of health information.</p>	
<p>Immigration Reform and Control Act (IRCA) of 1986--prohibits employers from hiring illegal aliens and requires them to verify that employees are legally entitled to work in this country. It also bans discrimination based on national origin or citizenship status.</p>	
<p>The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), grants certain rights to union members and protects their interests by promoting democratic procedures within labor organizations. The Act establishes a Bill of Rights for union members; reporting requirements for labor organizations, union officers and employees, employers, labor-relations consultants, and surety companies; standards for the regular election of union officers; and safeguards for protecting labor organization funds and assets.</p>	
<p>The National Labor Relations Act of 1935 (NLRA) was passed by Congress to encourage a healthy relationship between private sector workers and their employers. It was designed to curtail work stoppages, strikes, and general labor strife, which were viewed by Congress as harmful to the economy and the nation's welfare. To this end, the Act defines and protects the rights of employees and employers, encourages collective bargaining, and prohibits certain</p>	

<p>practices on the part of both labor and management. The Act also provides a system for conducting elections to determine who represents the employees and for enforcement of the strictures against unfair practices by any of the parties.</p>	
<p>Occupational Safety and Health Act (1970) establishes uniform national standards for workplace safety and health practices throughout the country. There are rules for hazard assessments, employee safety and health, hazard communication, recordkeeping, OSHA inspections, employee rights, penalties, and most frequent OSHA violations. The federal Occupational Safety and Health Act (OSH Act) is "preemptive"; that is, it overrides state laws and regulations in the areas that it covers.</p>	<p>Tennessee is among the "state plan" states, which means it has received federal approval for its state regulatory program, the Tennessee Occupational Safety and Health Act, governing both private and public workplaces. Tennessee has adopted many of the federal standards by reference, and has adopted additional requirements that are stricter than federal rules for blood borne pathogens, permissible exposure limits (PELs) for hazardous air contaminants, and hazard communication (worker right-to-know).</p>
<p>The Uniform Guidelines of Employee Selection Procedures (1978) are designed to aid in the achievement of our nation's goal of equal employment opportunity without discrimination on the grounds of race, color, sex, religion or national origin. A selection process which has an adverse impact on the employment opportunities of members of a race, color, religion, sex, or national origin group and thus disproportionately screens them out is unlawfully discriminatory unless the process or its component procedures have been validated in accord with the Guidelines, or the user otherwise justifies them in accord with Federal law.</p>	
<p>Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)--is intended to minimize the disadvantages to an individual that occur when that person needs to be absent from</p>	

<p>his or her civilian employment to serve in this country's uniformed services.</p>	
<p>11-14 Employees, add:</p>	
<p>Occupational Safety and Health Act (1970) (OSHA)--requires safe and healthful working conditions. It authorizes enforcement of certain standards, assists and encourages the states in their efforts to assure safe and healthful working conditions, and provides research, information, education, and training in the field of occupational safety and health. (maintain record of job related injuries and illnesses)</p>	
<p>15-19 Employees, add:</p>	
<p>The Civil Rights Act of 1964 Title VII prohibits employment discrimination based on race, color, sex, religion, or national origin by employers with 15 or more employees. It covers both intentional discrimination or discrimination in effect and considers sexual harassment a form of sex discrimination. The Civil Rights Act of 1991 allows employees who file suit for intentional discrimination under certain laws to have a jury trial and to collect compensatory and punitive damages.</p>	<p>The Tennessee Human Rights Act (Fair Employment Practices Law) prohibits all public employers and private employers of eight or more persons, including employment agencies and labor unions, from discriminating in employment because of race, creed, color, religion, sex, national origin, or age (<i>TN Code Sec. 4-21-101 et seq .</i>).</p>
<p>Title I, Americans with Disabilities Act of 1990, (ADA) prohibits employers from discriminating against qualified applicants or employees with disabilities. Employers with 15 or more employees are covered. The Act protects qualified individuals with disabilities from discrimination in all aspects of the employment process, including recruitment, hiring, rates of pay, upgrading, and selection for training. The Act also requires a covered employer to reasonably accommodate a qualified individual with a disability unless it can show that by doing so it would suffer an undue hardship. There are strategies for handling the reasonable accommodation of an applicant or employee and suggestions for evacuating an employee with a disability during a crisis. The ADA also</p>	<p>The Tennessee Disability Act prohibits employment practices that discriminate on the basis of physical, mental, or visual disability, including the use of a guide dog. The law covers all employers regardless of size (<i>TN Code Sec. 8-50-103</i></p>

<p>protects applicants and employees from discrimination based on their association with people with disabilities.</p> <p>The Genetic Information Nondiscrimination Act (GINA) prohibits employers from using the genetic information of employees, applicants, or their family members to discriminate against employees or applicants. GINA also prohibits employers from requesting or requiring genetic information.</p>	
<p>Pregnancy Discrimination Act</p>	
<p>20-49 Employees, add:</p>	
<p>The Age Discrimination in Employment Act (1967) (ADEA) prohibits employers with 20 or more employees from discriminating against employees or applicants on the basis of age. Individuals must be at least 40 years of age to be covered by the ADEA. Harassment of employees on the basis of age is also unlawful discrimination. The Act also protects an older worker's disability payments, retirement incentives, life insurance, pension, and retirement plans. Amendments to the ADEA also set out standards for waivers of legal rights by older employees in return for retirement incentives. Many states also have fair employment laws that prohibit age discrimination. Different age groups may be protected under state law and smaller employers may be subject to state requirements.</p>	<p>The Tennessee Fair Employment Practices Law prohibits employment practices that discriminate on the basis of age for applicants and employees 40 years of age or older (<i>TN Stat. Sec. 4-21-101</i> The Law covers public employers and private employers with eight or more employees.</p>
<p>The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) applies to employers with 20 or more employees that offer group health coverage. They must offer separated employees (and sometimes their dependents) the option of retaining the health insurance at their own expense for a period of up to 18 months (36 months for certain dependents).</p>	<p>Both Tennessee law and the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) permit employees to continue their group health coverage if they lose coverage for certain specified reasons. Tennessee's requirements apply to all insured group plans that provide hospital, medical, or surgical benefits, covers all such</p>

	<p>plans regardless of the size of the employer, but provides for a shorter continuation period than does federal COBRA (<i>TN Stat. Sec. 56-7-2312</i> According to federal law, when comparing state and federal continuation rights, employees may use the law that is more favorable to their situation.</p>
50 or more Employees, add:	
<p>Family and Medical Leave Act of 1993 (FMLA) requires employers with 50 or more employees to provide eligible employees with up to 12 weeks of unpaid leave during any 12-month period. Employee jobs and benefits are protected during these leaves, which may be granted for the birth or adoption of a child, for the employee's serious health condition, or to care for a spouse, child, or parent with a serious health condition.</p> <p>In January, 2008, the FMLA was amended to allow qualified employees 12 weeks of unpaid leave in a 12-month period because of any qualifying exigency (to be defined by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces in support of a contingency operation. Similarly, the FMLA was amended to allow for 26 weeks of unpaid FMLA leave in a single 12-month period for qualified employees whose spouse, son, daughter, parent, or next of kin requires care while recovering from a serious injury or illness suffered while on active duty in the armed forces. In addition, several states have passed legislation allowing employees leave to spend time with deployed or recovering family members in the military.</p>	
EEO-1 Report filed annually w/EEOC if organization is a federal contractor	
100 or more Employees, add:	

<p>Worker Adjustment and Retraining Notification Act of 1988 (WARN)-- imposes restrictions on the way layoffs are handled. It is designed to give employees advance notice of the layoff in order to find another job, to seek retraining in a new occupation, and to give state dislocated-worker units adequate preparation to assist affected workers.</p>	
<p>EEO-1 Report filed annually w/EEOC if organization is not a federal contractor</p>	
<p>Federal Contractors, add:</p>	
<p>Executive Order 11246 (1965) requires nondiscriminatory employment practices by all government contractors. Contractors with 50 or more employees and contracts of \$50,000 or more must implement written affirmative action plans for women and minorities.</p>	
<p>Vocational Rehabilitation Act of 1973</p>	
<p>Drug Free Workplace Act of 1988</p>	
<p>Vietnam Era Veterans Readjustment Act of 1974--requires covered contractors and subcontractors to take affirmative steps to employ qualified Vietnam era, special disabled, recently separated, and other protected veterans. This obligation covers the full range of employment and personnel practices, such as recruitment, hiring, rates of pay, upgrading, and selection for training.</p>	
<p>The Davis-Bacon Act of 1931 requires payment of prevailing wages and benefits to employees of contractors engaged in federal government construction projects.</p>	
<p>The Walsh-Healey Public Contracts Act of 1936 requires payment of minimum wages and other labor standards by contractors providing materials and supplies to the federal government.</p>	
<p>The McNamara-O'Hara Service Contract Act of 1965 sets wage rates and other labor standards for employees of contractors furnishing services to the</p>	

federal government.	
<p>Federal and state employment laws require that employers post various notices in the workplace explaining the rights of employees. Required notices must be posted prominently and conspicuously where they can be readily seen by both employees and applicants for employment. Many employers display the required posters in an employee lunchroom or break room, as well as in the human resources area or by the main entrance to the workplace. Individual posters meeting the requirements of each federal and state law are available from the various regulatory agencies responsible for their enforcement. The federal government provides versions of the posters in Spanish as well as English.</p> <p>Employers that fail to post the required notices may be subject to significant penalties and fines. In addition, being able to show that the required posters were displayed in the workplace is important for defending any claims of discrimination, violations of wage and hour laws, and other similar claims.</p>	<p>Tennessee requires that employers post several notices in the workplace, informing employees of their rights and obligations under various employment laws. The notices must be placed conspicuously and in enough places to be seen easily by employees as they enter or exit the workplace and, in some cases, where they can be seen by applicants for employment.</p> <p>http://www.state.tn.us/labor-wfd/poster.htm</p>

Notes:

If there's a conflict between a state and federal law, the one most beneficial to the employee usually applies.

This information is a summary only and is in no way intended to be legal advice.

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