



# Employment Laws & Regulations Checklist

This checklist is a reference tool provided for members. More information on specific regulations may be requested from **EA** office by checking the box(s) and completing the form on the last page.

This checklist presents information on current employment laws. It is not designed to render legal advice or opinion and should not be regarded as a substitute for legal counsel in specific areas. ©2009 Reproduction in any form, or by an process, is forbidden without permission from Employers Association of West Michigan

### Legend:

- ! (e.g., Yes!) – Required policy or procedure by enforcing agency
- \* (e.g., Yes\*) – Suggested policy or procedure by enforcing agency
- **BOLD** – New or ever-changing legislation

Employment Law	Employee Coverage	Enforcing Agency	Require Posting?	(See Legend Below) Policy? Procedure?		Record Retention
<input type="checkbox"/> <b>Americans with Disabilities Act of 1990, Title I</b>	15 +	EEOC	YES	YES!	YES*	1 year
<input type="checkbox"/> Age Discrimination in Employment Act	20+	EEOC	YES	YES!	YES!	1 or 3 years depending on record
<input type="checkbox"/> Bullard-Plawecki Employee Right to Know Act	4+	None	NO	NO	NO	Not Required
<input type="checkbox"/> Civil Rights Act of 1964	15+	EEOC	YES	YES!	YES!	1 year
<input type="checkbox"/> <b>Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)</b>	20+ in most cases	Dept. of Labor and IRS	NO	NO	YES!	<b>Records should be maintained to comply with ERISA</b>
<input type="checkbox"/> Consumer Credit Protection Act, Title III (wage garnishment)	All Employers	Dept. of Labor	NO	NO	YES	Not Required
<input type="checkbox"/> Davis-Bacon Act	Construction Contracts over \$2,000 where U.S. or District of Columbia is a party	Dept. of Labor	YES	NO	YES!	3 years from the completion of the contract
<input type="checkbox"/> Department of Transportation Drug Testing Regulations	Varies by Industry	Dept. of Transportation	NO	YES!	YES!	Required time varies by industry

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[ ] Drug-Free Workplace Act of 1988	Employers w/ Federal contracts over \$100,000	Government agency providing contract	NO	YES!	YES!	Not Required
[ ] Elliott-Larsen Civil Rights Act	Employers with one or more employees	MDCR	YES	YES!	YES!	Not Required
[ ] Equal Pay Act of 1963	Employers Under FLSA	EEOC	YES	NO	NO	FLSA period plus 2 years for pay differential record
[ ] Employee Polygraph Protection Act of 1988	Most Private employers	Dept. of Labor	YES	NO	NO	3 years if Polygraph requested
[ ] Employee Retirement Income Security Act of 1974	Certain Benefit Plans	Dept. of Labor and IRS	NO, but disclosure required	YES!	YES!	Necessary for 6 years minimum, but recommend indefinite
[ ] Executive Order 11246	Federal Contractors & fed assisted construction contractors & subcontractors who do over \$10,000 or more in gov't. business	Dept. of Labor	NO	YES!	YES*	1 year
[ ] Fair Credit Reporting Act of 1971	Employers who use credit reports from third parties	Federal Trade Commission	NO	NO	YES*	Not required
[ ] Fair Labor Standards Act (FLSA)	Employers with sales over \$500,000 in industries affecting commerce	Dept of Labor	YES	YES*	YES*	2 or 3 years depending on the record
[ ] Family and Medical Leave Act (FMLA)	50+	Dept. of Labor	YES	YES!	YES!	3 years
[ ] The Health Insurance Portability and Accountability Act (HIPAA)	All employers w/health plans	Dept. of Labor / Dept. of Health & Human Services	NO	YES!	YES!	Varies by Qualifying Event
[ ] Immigration Reform and Control Act of 1986	All employees hired after Nov. 1986	Dept. of Homeland Security	NO	YES!	YES!	I-9: 1 yr after termination or 3 yrs after hired - whichever later
[ ] McNamara-O'Hara Service Contract Act	Employers with service contract of \$2500+	Dept. of Labor	YES	NO	NO	3 years from the completion of work

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<input type="checkbox"/> Michigan Employment Security Act	All employers	Michigan Unemployment Insurance Agency (MUIA)	YES	NO	NO	Not Required
<input type="checkbox"/> Michigan Whistleblowers Protection Act	All Employers	None	YES	NO	NO	Not Required
<input type="checkbox"/> Michigan Minimum Wage Law	All Employers	Wage and Hour Division DELEG	YES	NO	NO	3 years for non-exempt employees
<input type="checkbox"/> National Labor Relations Act	Non-public Employers with \$500,000 in interstate commerce	National Labor Relations Board	YES-prior to election	NO	NO	Not Required
<input type="checkbox"/> New Hire Reporting Act-(Personal Responsibility and Work Opportunity Reconciliation Act- PRWORA)	All Michigan employers	Fed. Office of Child Support Enforcement & Mich. Dept of Human Svs.	NO	NO	YES!	Not Required
<input type="checkbox"/> Michigan Occupational Safety and Health Act	All Employers	MIOSHA & DOLEG	YES	YES! Varies by Standard	YES! Varies by standard	Varies by Standards
<input type="checkbox"/> Older Workers Benefit Protection Act	Employers with 20+ employees	EEOC	NO	NO	NO	Same as ADEA
<input type="checkbox"/> Persons with Disabilities Civil Rights Act	All Employers with at least 1 employee	Mich. Dept. Of Civil Rights	YES	YES!	YES*	Not Required
<input type="checkbox"/> Rehabilitation Act of 1973, Section 503	Employers with government contracts of \$10,000+	Dept. of Labor	YES	YES!	YES!	2 years from the date the personnel record was made or from the personnel action – whichever is later
<input type="checkbox"/> Social Security Number Privacy Act	Anyone who obtains, uses, or disseminates SSNs	None	NO	YES!	YES!	Not Required
<input type="checkbox"/> Uniformed Services Employment and Reemployment Act: USERRA	All Employers	Dept. of Labor	YES	NO	NO	No less than 7 years or when employee returns from military service

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<input type="checkbox"/> Vietnam Era Veterans Readjustment Assistance Act	Employers with gov't. contracts entered into after 2003 of \$100,000+	Dept. of labor	NO	YES!	YES!	1 year for employers with less than 150 employees or gov't. contract of less than \$150,000. Two yrs if employer has 150 employees or more and gov't. contract of at least \$150,000
<input type="checkbox"/> Michigan Payment of Wage and Fringe Benefits Act	All Employers	Wage Hour Division of DELEG	NO	NO	NO	3 years for non-exempt employees
<input type="checkbox"/> Walsh-Healey Public Contracts Act	Employers w/gov't. contracts of \$10,000+	Dept. of Labor	YES	NO	NO	3 years
<input type="checkbox"/> Worker Adjustment and Retraining Notification Act	100+ employees	Dept of Labor	NO	NO	NO	Not Required
<input type="checkbox"/> Workers Disability Compensation Act	Employers with 3 or more employees	None	NO	NO	YES!	18 years
<input type="checkbox"/> Youth Employment Standards Act	Employers with employees under age 18	Wage hour division of DELEG	YES	NO	NO	Duration of Employment

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For information on the laws in this list, check the box next to the item you are interested in, complete and fax this form to 231.759. 2100 or contact us by phone at 231.759.0916

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Number of employees: \_\_\_\_\_ Union: \_\_\_\_\_ Nonunion: \_\_\_\_\_