



# 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. ©2017 Reproduction in any form, or by any process, is forbidden without permission from Employers Association of West Michigan.

| Employment Law  | Employer Coverage   | Enforcing Agency       | Require Posting? | If posting required, who must see the notice? | If posting required, must posting contain language other than English? | (See Legend Below) Policy? Procedure? |      | Record Retention                                  |
|---|---|------------------------|------------------|---|--|---------------------------------------|------|---|
| <input type="checkbox"/> Americans with Disabilities Act of 1990, Title I               | 15 +  | EEOC                   | YES              | E, A  | N/A  | YES!                                  | YES* | 1 year  |
| <input type="checkbox"/> Age Discrimination in Employment Act & OWBPA                   | 20+   | EEOC                   | YES              | E, A  | N/A  | 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              | E, A  | N/A  | YES!                                  | YES! | 1 year  |
| <input type="checkbox"/> Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) | 20+ in most cases   | Dept. of Labor and IRS | NO               |   |  | NO                                    | YES! | Records should be maintained to comply with ERISA |
| <input type="checkbox"/> Consumer Credit Protection Act, Title III (wage garnishment)   | All Employers   | Dept. of Labor         | NO               |   |  | NO                                    | NO   | 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              | E   | N/A  | NO                                    | NO   | 3 years from the completion of the contract       |

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|  |  |                                      |                             |   |  |                                       |      |  |
| <input type="checkbox"/> Department of Transportation Drug Testing Regulations | Varies by Industry   | Dept. of Transportation              | NO                          |   |  | YES!                                  | YES! | Required time varies by industry                               |
| <input type="checkbox"/> Drug-Free Workplace Act of 1988                       | Employers w/ Grants or w/ Federal contracts over \$100,000 | Government agency providing contract | NO                          |   |  | YES!                                  | YES! | Not Required   |
| <input type="checkbox"/> Elliott-Larsen Civil Rights Act                       | Employers with one or more employees                       | MDCR                                 | YES                         | E, A  | N/A  | YES!                                  | YES! | Not Required (but limits on gathering arrest records)          |
| <input type="checkbox"/> Equal Pay Act of 1963                                 | Employers Under FLSA                                       | EEOC                                 | YES                         | E, A  | N/A  | NO                                    | NO   | FLSA period and 2 years for pay differential record            |
| <input type="checkbox"/> Employee Polygraph Protection Act of 1988             | Most Private employers                                     | Dept. of Labor                       | YES                         | E, A  | NO   | NO                                    | NO   | 3 years if Polygraph requested                                 |
| <input type="checkbox"/> Employee Retirement Income Security Act of 1974       | Certain Benefit Plans                                      | Dept. of Labor and IRS               | NO, but disclosure required |   |  | YES!                                  | YES! | <b>Necessary for 6 years minimum, but recommend indefinite</b> |

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| [ ] Executive Order 11246               | Federal Contractors & fed assisted construction contractors & subcontractors who do over \$10,000 or more in gov't. business | Dept. of Labor           | YES              | E, A  | N/A   | YES!                                  | YES! | 2 years (1 year for smaller contractors) |
| [ ] 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              | E   | NO  | YES*                                  | YES* | 2 or 3 years depending on the record     |
| [ ] Family and Medical Leave Act (FMLA) | 50+  | Dept. of Labor           | YES              | E, A  | YES, WHERE A SIGNIFICANT PORTION OF THE WORK-FORCE IS NOT LITERATE IN ENGLISH | YES!                                  | YES! | 3 years                                  |

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| <input type="checkbox"/> Michigan Freedom to Work Law (Right to Work)                    | All Employers   | Bureau of Employment Relations LARA               | NO**             |   |  | NO                                    | NO   | Not Required   |
| <input type="checkbox"/> Genetic Information Nondisclosure Act (GINA)                    | 15+   | EEOC  | YES              | E, A  | N/A  | NO                                    | NO   | Not Required   |
| <input type="checkbox"/> The Health Insurance Portability and Accountability Act (HIPAA) | All employers w/ health plans unless self-administered and fewer than 50 participants | Dept. of Labor / Dept. of Health & Human Services | NO               |   |  | YES!                                  | YES! | Varies by Qualifying Event   |
| <input type="checkbox"/> 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 |
| <input type="checkbox"/> Michigan Internet Privacy Protection Act                        | All Employers   | None  | NO               |   |  | NO                                    | NO   | Not Required   |
| <input type="checkbox"/> McNamara-O'Hara Service Contract Act                            | Employers with service contract of \$2500+  | Dept. of Labor                                    | YES              | E   | NO   | NO                                    | NO   | 3 years from the completion of work                                  |
| <input type="checkbox"/> Michigan Employment Security Act                                | All employers   | Michigan Unemployment Insurance Agency (MUIA)     | YES              | E   | N/A  | NO                                    | NO   | Not Required   |
| <input type="checkbox"/> Michigan Whistleblowers Protection Act                          | All Employers   | None  | YES              | E   | N/A  | NO                                    | NO   | Not Required   |

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| <input type="checkbox"/> Michigan Workforce Opportunity Wage Act (Minimum Wage Law)  | All Employers  | Wage and Hour Division LARA  | YES                   | E   | N/A  | 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 | E   | N/A  | 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 & LARA  | YES                   | E   | N/A  | YES! Varies by Standard               | YES! Varies by standard | Varies by Standards              |
| <input type="checkbox"/> Persons with Disabilities Civil Rights Act  | All Employers with at least 1 employee                     | Mich. Dept. Of Civil Rights  | YES                   | E, A  | NO   | YES!                                  | YES*                    | Not Required                     |

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| [ ] Rehabilitation Act of 1973, Section 503                    | Contractors (and subcontractors) with government contracts of \$10,000+ | Dept. of Labor   | YES              | E, A  | 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. 3 years for outreach and data analysis records for all employers. |
| [ ] Social Security Number Privacy Act                         | Anyone who obtains, uses, or disseminates SSNs                          | None             | NO               |   |  | YES!                                  | YES! | Not Required   |
| [ ] Uniformed Services Employment and Reemployment Act: USERRA | All Employers   | Dept. of Labor   | YES              | E   | NO   | 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 (VEVRAA) | Contractors (and subcontractors) with gov't. contracts of \$100,000+ | Dept. of labor             | YES              | E, A  | NO   | YES!                                  | YES! | 1 year for employers with < 150 employees or gov't. contract of less than \$150,000. Two yrs. if employer has 150+ employees and gov't. contract of at least \$150,000. 3 years for outreach and data analysis records for all employers. |
| <input type="checkbox"/> Michigan Payment of Wage and Fringe Benefits Act          | All Employers  | Wage Hour Division of LARA | 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              | E   | NO   | 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! | Employment plus 30 years  |

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|---|---------------------------------------|-----------------------------|------------------|---|--|---------------------------------------|----|------------------------|
| <input type="checkbox"/> Youth Employment Standards Act | Employers with employees under age 18 | Michigan Dept. of Education | YES              | E   | N/A  | NO                                    | NO | Duration of Employment |

**Legend:**

- ! (e.g., Yes!) – Required policy or procedure by enforcing agency
- \* (e.g., Yes\*) – Suggested policy or procedure by enforcing agency
- \*\* (e.g., No\*\*) – Optional Posting Available
- **BOLD** – New or ever-changing legislation
- **E** – Employees
- **A** – Applicants

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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: \_\_\_\_\_

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