



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!	Necessary for 6 years minimum, but recommend indefinite

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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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