

# FEDERAL HR COMPLIANCE CHART



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The following chart provides a basic summary of some of the most common federal laws affecting employers. Many of the coverage requirements are based upon employer size; however, in some cases, coverage requirements may be based upon other factors (i.e., size of the contract). More information for each statute is available by clicking on the links. Employers should also check state statutes to ensure compliance in the jurisdiction(s) where the company operates.

Federal Statute	What It Does	Posting and Notice Requirements
<b>Age Discrimination in Employment Act (ADEA)<sup>(1)</sup></b> (29 U.S.C. § 621)	Protects people who are 40 or older from discrimination because of age. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.  Covers employers with 20 or more employees.	<b>Posting Requirements.</b> Covered by Title VII posting requirement (see Title VII section below).  <b>Notice Requirements.</b> None.
<b>Americans with Disabilities Act (ADA)<sup>(2)</sup></b> (42 U.S.C. § 12101)	Makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.  Covers employers with 15 or more employees.	<b>Posting Requirements.</b> Covered by Title VII posting requirements (below).  <b>Notice Requirements.</b> None.

(1) <http://www.eeoc.gov/laws/statutes/adea.cfm>, (2) <http://www.eeoc.gov/laws/statutes/ada.cfm>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Title VII of the Civil Rights Act of 1964 — Equal Employment Opportunities<sup>(3)</sup></b> (42 U.S.C. § 2000e et seq.)	<p>Makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, or sex. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.</p> <p>Covers employers with 15 or more employees.</p>	<p><b>Posting Requirements.</b> Covered employers must post one of two equal opportunity posters: either the <b>EEOC poster<sup>(4)</sup></b>, or the Department of Labor's Office of Federal Contract Compliance Program's (OFCCP) <b>Employment Opportunity is the Law Poster.<sup>(5)</sup></b> Both posters are accepted as valid by OFCCP and the EEOC. The notice must be posted prominently, where it can be readily seen by employees and applicants for employment, e.g., personnel office, work-out facility, lunchroom, or company bulletin board. There is no particular size requirement.</p> <p><b>Notice Requirements.</b> None</p>
<b>Civil Rights Act of 1991<sup>(6)</sup></b> (42 U.S.C. §§ 1981 – 1996b)	<p>Amended Title VII and the ADA to permit jury trials and compensatory and punitive damage awards in intentional discrimination cases</p> <p>Covers employers with 15 or more employees.</p>	<p><b>Posting Requirements.</b> Covered by Title VII posting requirement (above).</p> <p><b>Notice Requirements.</b> None.</p>
<b>Title III of the Consumer Credit Protection Act (CPPA)<sup>(7)</sup></b> (15 U.S.C. § 16 71 et seq.)	<p>Places restrictions on wage garnishment.</p> <p>Applies to all employers and individuals who receive earnings for personal services (including wages, salaries, commissions, bonuses, and periodic payments from a pension or retirement program, but ordinarily does not include tips).</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>
<b>Consolidated Omnibus Benefits Reconciliation Act (COBRA)<sup>(8)</sup></b> (29 U.S.C. § 1161 et seq.)	<p>Requires most group health plans to provide a temporary continuation of group health coverage that otherwise might be terminated.</p> <p>Covers employers with 20 or more employees.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> Group health plans must provide covered employees and their families with certain <b>notices<sup>(9)</sup></b> explaining their COBRA rights. They must also have rules for how COBRA continuation coverage is offered, how qualified beneficiaries may elect continuation coverage, and when it can be terminated.</p>

(3) <http://www.eeoc.gov/laws/statutes/titlevii.cfm>, (4) <http://www1.eeoc.gov/employers/poster.cfm>, (5) <http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>, (6) <http://www.eeoc.gov/laws/statutes/cra-1991.cfm>, (7) <http://www.dol.gov/whd/regs/statutes/garn01.pdf>, (8) <http://www.law.cornell.edu/uscode/text/29/chapter-18/subchapter-l/subtitle-B/part-6>, (9) <http://www.dol.gov/ebsa/publications/cobraemployer.html#COBRANoticeandElectionProcedures>

Federal Statute	What It Does	Posting and Notice Requirements
<b>The Contract Work Hours and Safety Standards Act (CWHSSA)<sup>(10)</sup></b> (40 U.S.C. § 3701 et seq.)	<p>Requires contractors and subcontractors with covered contracts (over \$100,000) to pay laborers and mechanics employed in the performance of the contract one and one-half times their basic rate of pay for all hours worked over 40 in a workweek.</p> <p>Applies to federal service contracts and federal and federally assisted construction contracts over \$100,000.</p>	<p><b>Posting Requirements.</b> A poster is required to be posted on all contracts to which CWHSSA applies. The notice to be posted depends on the type of federal procurement contract involved – either the <b>Notice to all Employees Working on Federal or Federally Financed Construction Projects<sup>(11)</sup></b> for Davis-Bacon contracts or, for contracts to which the Service Contract Act (SCA) applies, the <b>Employee Rights on Government Contracts<sup>(12)</sup></b> must be posted. The appropriate poster(s) must be posted at the site of the work in a prominent and accessible place where it may be easily seen by employees. There is no size requirement for these posters but they must be easily readable.</p> <p><b>Notice Requirements.</b> None</p>
<b>Copeland "Anti-Kickback" Act<sup>(13)</sup></b> (18 U.S.C. § 874 and 40 U.S.C. § 3145)	<p>Precludes a contractor or subcontractor from inducing an employee to give up any part of the compensation to which he or she is entitled under his or her contract of employment. The Act and implementing regulations require a contractor and subcontractor to submit a weekly statement of the wages paid to each employee performing on covered work during the preceding payroll period and list payroll deductions that are permissible or require consent of the Secretary of Labor.</p> <p>The "Anti-Kickback" section of the Copeland Act applies to all contractors and subcontractors performing on any federally funded or assisted contracts for the construction, prosecution, completion, or repair of any public building or public work, except contracts for which the only federal assistance is a loan guarantee and on work performed on federally funded contracts in excess of \$2,000 or federally assisted contracts in excess of \$2,000 subject to federal wage standards.</p> <p>This provision applies even where no labor standards statute covers the contract.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>

(10) <http://www.dol.gov/whd/regs/statutes/safe01.pdf>, (11) <http://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>, (12) <http://www.dol.gov/whd/regs/compliance/posters/sca.htm>, (13) <http://www.dol.gov/whd/regs/statutes/copeland.htm>,

Federal Statute	What It Does	Posting and Notice Requirements
<b>Davis-Bacon and Related Acts (DBRA)</b> <sup>(14)</sup> (40 U.S.C. § 3141a)	<p>Requires that all contractors and subcontractors performing work on federal or District of Columbia construction contracts in excess of \$2,000, or on federally assisted contracts, pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits.</p> <p>Applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.</p>	<p><b>Posting Requirements.</b> Every employer performing work covered by the labor standards of the DBRA must post the WH-1321 "Employee Rights Under the Davis-Bacon Act" poster at the site of the work in a prominent and accessible place where it may be easily seen by employees. There is no particular size requirement. The wage determination must be similarly posted.</p> <p><b>Notice Requirements.</b> None</p>
<b>Drug-Free Workplace Act of 1988</b> <sup>(15)</sup> (41 U.S.C. § 8101 et seq.)	<p>Requires some federal contractors and all federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a federal agency.</p> <p>Applies to each federal contract or grant on a case-by-case basis. You will need to determine coverage<sup>(16)</sup> for each federal contract or grant you have, or for which you are applying.</p>	<p><b>Posting Requirements.</b> Under the Drug-Free Workplace Act, government contractors or employers receiving federal grants must certify to the contracting agency that they will maintain a drug-free workplace. This can be done by:</p> <ol style="list-style-type: none"> <li>1. Publishing a statement<sup>(17)</sup>:             <ul style="list-style-type: none"> <li>▪ Notifying employees that the unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in the workplace,</li> <li>▪ Specifying the action that will be taken for violations of this policy; and</li> </ul> </li> <li>2. Establishing a drug-free awareness program to inform employees about the danger of drug abuse in the workplace, the contractor's drug-free policy, available counseling and employee assistance programs, and penalties for violations.</li> </ol>

(14) <http://www.dol.gov/whd/regs/statutes/dbra.htm>, (15) <http://www.law.cornell.edu/uscode/text/41/subtitle-IV/chapter-81>, (16) <http://www.dol.gov/elaws/asp/drugfree/howto.htm>, (17) <http://www.dol.gov/elaws/asp/drugfree/require.htm>

Federal Statute	What It Does	Posting and Notice Requirements
		<p><b>Notice Requirements.</b> Government contractors or employers that have received federal grants are required to advise employees that they must report any criminal drug statute conviction within five days of the conviction. The employer must then notify the contracting agency within 10 days of learning of the conviction and either impose sanctions against the employee or require satisfactory participation in a drug abuse assistance or rehabilitation program.</p> <p>The contracting government agency notes multiple incidents at any one government contractor or employer and will consider termination or suspension of the contract if the contractor has failed to make a good-faith effort to provide a drug-free workplace.</p>
<p><b>Employee Polygraph Protection Act (EPPA)</b><sup>(18)</sup> (29 U.S.C. § 2001 et seq.)</p>	<p>Prohibits most private employers from using lie detector tests, either for pre-employment screening or during the course of employment.</p> <p>Applies to most private employers.</p>	<p><b>Posting Requirements.</b> Every employer subject to EPPA must post and keep posted on its premises a <b>notice</b><sup>(19)</sup> explaining the Act. The notice must be posted in a prominent and conspicuous place in every establishment of the employer where it can readily be observed by employees and applicants for employment. There is no size requirement for the poster.</p> <p><b>Notice Requirements.</b> There are <b>specific notices</b><sup>(20)</sup> that must be given to examinees and examiners in instances where polygraph tests are permitted.</p>

(18) <http://www.law.cornell.edu/uscode/text/29/chapter-22>, (19) <http://www.dol.gov/whd/regs/compliance/posters/eppa.htm>, (20) <http://www.dol.gov/compliance/guide/eppa.htm#posters>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Employee Retirement Income Security Act (ERISA)<sup>(21)</sup></b> (29 U.S.C. § 1001 et seq.)	<p>Sets minimum standards for retirement and health benefit plans in private industry in the areas of standards of conduct, fiduciary rules, and reporting requirements to the government and to the plan participants. ERISA does not require any employer to establish a plan but employers who establish plans must meet certain minimum standards.</p> <p>ERISA covers retirement, health and other welfare benefit plans such as life, disability and apprenticeship plans.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements – Health Plans.</b> ERISA contains several notice requirements for health plans including, but not limited to, a Summary Plan Description (SPD), special enrollment notice, and certificates of creditable coverage. Other notices required by COBRA, HIPAA, WHCRA, the Newborns' Act, and Michelle's Law may be required depending on the number of employees and the benefits offered by the plan. The <b>Reporting and Disclosure Guide for Employee Benefit Plans<sup>(22)</sup></b> can be used as a quick reference tool for certain basic disclosure requirements under ERISA.</p> <p><b>Notice Requirements – Retirement Plans.</b> ERISA contains several notice requirements for retirement plans, such as the summary plan description, individual benefit statements, and the summary annual report. Employers may also use the <b>Reporting and Disclosure Guide for Employee Benefit Plans<sup>(23)</sup></b> as a quick reference tool for this area.</p>
<b>The Equal Pay Act<sup>(24)</sup></b> (29 U.S.C. § 206)	<p>Amended the FLSA to prohibit sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions.</p> <p>Applies to all employers.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>

(21) <http://www.law.cornell.edu/uscode/text/29/chapter-18>, (22) <http://www.dol.gov/ebsa/pdf/rdguide.pdf>, (23) <http://www.dol.gov/ebsa/pdf/rdguide.pdf>, (24) <http://www.eeoc.gov/laws/statutes/epa.cfm>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Executive Order 11246<sup>(25)</sup></b>	<p>Prohibits federal contractors and subcontractors and federally assisted construction contractors and subcontractors that generally have contracts exceeding \$10,000 from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin; and it requires them to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.</p> <p>Covers employers with federal contracts or subcontracts that exceed \$10,000 or that will (or can reasonably be expected to) accumulate to more than \$10,000 in any 12-month period.</p>	<p><b>Posting Requirements.</b> Contractors and subcontractors who hold a single federal contract or subcontract in excess of \$10,000 or who hold contracts or subcontracts with the federal government in any 12-month period that have a total value of more than \$10,000 are required to post the EEO notice, <b>Equal Employment Opportunity is the Law.</b><sup>(26)</sup></p> <p>Federal contractors and subcontractors who (1) hold government bills of lading; (2) serve as a depository of federal funds in any amount; or (3) act as issuing and paying agents for U.S. savings bonds and notes must also post the EEO notice.</p> <p>The notice must be posted in conspicuous places available to employees and applicants for employment and representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement, such as, the personnel office, work-out facility, lunchroom, or company bulletin board. There is no particular size requirement.</p> <p><b>Notice Requirements.</b> None</p>

<sup>(25)</sup> <http://www.dol.gov/ofccp/regs/statutes/eo11246.htm>, <sup>(26)</sup> <http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>



Federal Statute	What It Does	Posting and Notice Requirements
<b>Fair Credit Reporting Act (FCRA)</b> <sup>(27)</sup> (15 U.S.C. § 1681 et seq.)	<p>Governs the use of consumer reports by employers (background checks).</p> <p>Applies to all employers.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> Employers must:</p> <ol style="list-style-type: none"> <li>1. Provide applicants with a clear written disclosure that a consumer report may be obtained for employment purposes;</li> <li>2. Certify to consumer reporting agencies that they have fully complied with FCRA's disclosure requirements;</li> <li>3. Provide notice to applicants/employees of contemplated adverse action based on a consumer report, together with a description in writing of the applicant's/ employee's rights under FCRA (<b>Summary of Rights Under the Fair Credit Reporting Act</b>)<sup>(28)</sup>; and</li> <li>4. Provide notice to applicants/ employees of an adverse action determination (such as rejection of an applicant or discharge of an employee) based on a consumer report, with various additional information.</li> </ol>

(27) <http://www.law.cornell.edu/uscode/text/15/chapter-41/subchapter-III>, (28) <http://www.ftc.gov/os/2004/07/040709fcraappxf.pdf>

Federal Statute	What It Does	Posting and Notice Requirements
<p><b>Fair Labor Standards Act (FLSA) of 1938<sup>(29)</sup></b> (29 U.S.C. § 201 et seq.)</p>	<p>Establishes standards for minimum wages, overtime, recordkeeping and child labor.</p> <p>The Act applies to enterprises with employees who engage in interstate commerce, produce goods for interstate commerce, or handle, sell, or work on goods or materials that have been moved in or produced for interstate commerce. For most firms, a test of not less than \$500,000 in annual dollar volume of business applies (i.e., the Act does not cover enterprises with less than this amount of business).</p> <p>However, the Act does cover the following regardless of their dollar volume of business: hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally or physically disabled or gifted; preschools, elementary and secondary schools, and institutions of higher education; and federal, state, and local government agencies.</p> <p>Employees of firms that do not meet the \$500,000 annual dollar volume test may be covered in any workweek when they are individually engaged in interstate commerce, the production of goods for interstate commerce, or an activity that is closely related and directly essential to the production of such goods.</p> <p>In addition, the Act covers domestic service workers, such as day workers, housekeepers, chauffeurs, cooks, or full time babysitters, if they receive at least \$1,700 in 2009 in cash wages from one employer in a calendar year, or if they work a total of more than eight hours a week for one or more employers. (This calendar year threshold is adjusted by the Social Security Administration each year.) For additional coverage information, see the Wage and Hour Division <b>Fact Sheet #14: Coverage Under the FLSA.</b><sup>(30)</sup></p>	<p><b>Posting Requirements.</b> Every employer of employees subject to the FLSA's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments. Although there is no size requirement for the poster, employees must be able to readily read it.</p> <p>Covered employers are required to post the general Fair Labor Standards Act poster; however, certain industries have posters designed specifically for them. Employers of <b>Agricultural Employees<sup>(31)</sup></b> and <b>State &amp; Local Government Employees<sup>(32)</sup></b> can either post the general Fair Labor Standards Act poster or their specific industry poster.</p> <p><b>Notice Requirements.</b> Covered employers were required to provide <b>written notice<sup>(33)</sup></b> to employees about the health Insurance Marketplace by October 1, 2013.</p>

(29) <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf>, (30) <http://www.dol.gov/whd/regs/compliance/whdfs14.htm>, (31) <http://www.dol.gov/whd/regs/compliance/posters/wh1386Agrcltr.pdf>, (32) <http://www.dol.gov/whd/regs/compliance/posters/wh1385State.pdf>, (33) <http://www.dol.gov/ebsa/newsroom/tr13-02.html>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Section 14 (c) of the FLSA</b>	<p>Authorizes employers, after receiving a certificate from the Wage and Hour Division, to pay special minimum wages – wages less than the Federal minimum wage – to workers who have disabilities for the work being performed. The certificate also allows the payment of wages that are less than the prevailing wage to workers who have disabilities for the work being performed on contracts subject to the McNamara-O’Hara Service Contract Act (SCA) and the Walsh-Healey Public Contracts Act (PCA).</p>	<p><b>Posting Requirements.</b> In addition to the general posting requirements under the FLSA (listed immediately above), under FLSA Section 14(c), employers of workers with disabilities are also required to post the <b>Employee Rights for Workers with Disabilities/Special Minimum Wage Poster</b>.<sup>(34)</sup> This poster explains the conditions under which special minimum wages may be paid. The poster must be posted in a conspicuous place on the employer’s premises where employees and the parents and guardians of workers with disabilities can readily see it.</p> <p><b>Notice Requirements.</b> Each worker with a disability receiving a special minimum wage under FLSA Section 14(c), and, where appropriate, the parent or guardian of such worker, must be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed. In addition, employers must display both the certificate and the Wage and Hour Division poster, Notice to Workers with Disabilities Paid at Special Minimum Wage.</p>

(34) <http://www.dol.gov/whd/regs/compliance/posters/disab.htm>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Family and Medical Leave Act (FMLA) of 1993<sup>(35)</sup></b> (29 U.S.C. § 2601 et seq.)	<p>Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.</p> <p>Covers employers with 50 or more employees in 20 or more workweeks in the current or preceding calendar year.</p>	<p><b>Posting Requirements.</b> All covered employers are required to display and keep on display a poster explaining the provisions of the FMLA and telling employees how to file a complaint with the Wage and Hour Division of violations of the Act. The poster must be displayed prominently where employees and applicants for employment can see it. The poster and all the text must be large enough to be easily read and contain fully legible text. Covered employers must display the poster even if no employees are eligible for FMLA leave. Where the employer's workforce is comprised of a significant portion of workers who are not literate in English, the employer is required to provide the notice in a language in which the employees are literate.</p> <p><b>Notice Requirements.</b> Covered employers are required to provide certain notices (General, Eligibility, Rights and Responsibilities, and Designation) at different times.</p> <p>These notices are explained in <b>WHD Fact Sheet #28D.</b><sup>(36)</sup></p>
<b>Federal Income Tax Withholding<sup>(37)</sup></b> (26 U.S.C. §§ 3401 – 3406)	<p>Requires employers to withhold taxes on employee wages.</p> <p>Applies to all employers.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>
<b>Federal Insurance Contribution Act (FICA)<sup>(38)</sup></b> (26 U.S.C. §§ 3101 – 3128)	<p>Taxes imposed on both employers and employees to fund Social Security and Medicare.</p> <p>Applies to all employers.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>
<b>Federal Unemployment Tax Act (FUTA)<sup>(39)</sup></b> (26 U.S.C. §§ 3301 – 3311)	<p>Tax used to fund state unemployment agencies, which pays employees who leave a company voluntarily.</p> <p>Applies to all employers.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>

(35) <http://www.dol.gov/whd/regs/statutes/fmla.htm>, (36) <http://www.dol.gov/whd/regs/compliance/whdfs28d.pdf>, (37) <http://www.law.cornell.edu/uscode/text/26/subtitle-C/chapter-24>, (38) <http://www.law.cornell.edu/uscode/text/26/subtitle-C/chapter-21>, (39) <http://www.law.cornell.edu/uscode/text/26/subtitle-C/chapter-23>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Genetic Information Nondiscrimination Act (GINA)</b> <sup>(40)</sup> (42 U.S.C. § 2000ff)	<p>Makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.</p>	<p><b>Posting Requirements.</b> The EEOC has revised the <b>Equal Employment Opportunity is the Law</b><sup>(41)</sup> poster to include information about GINA.</p> <p><b>Notice Requirements.</b> There are notice requirements under the <b>research exception</b><sup>(42)</sup> to GINA.</p>
<b>Health Insurance Portability and Accountability Act of 1996 (HIPAA)</b> <sup>(43)</sup>	<p>Provides for the portability of employee health care plans and provides for the protection of certain health care-related information. For more information:</p> <ul style="list-style-type: none"> <li>• <b>HIPAA Fact Sheet</b><sup>(44)</sup></li> <li>• <b>Frequently Asked Questions about HIPAA Portability</b><sup>(45)</sup></li> <li>• <b>Summary of HIPAA Privacy Rule</b><sup>(46)</sup></li> <li>• <b>Summary of the HIPAA Security Rule</b><sup>(47)</sup></li> </ul> <p>With some limited exceptions, HIPAA applies to all health plans, including self-insured and fully insured plans.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b></p> <ol style="list-style-type: none"> <li>1. <b>Certificates of Creditable Coverage</b><sup>(48)</sup> when required to demonstrate group health coverage.</li> <li>2. SPDs and SMMS should include: (1) notification to participants and beneficiaries of material reductions in covered services or benefits within 60 days of adoption of the change; (2) disclosures to participants and beneficiaries information about the role of issuers (insurance companies and HMOs) with respect to their group health plan, including the name and address of the issuer, to what extent benefits under the plan are guaranteed under a contract or policy of insurance issued by the issuer, and the types of administrative services provided by the issuer; (3) notification of where participants and beneficiaries can go for assistance or information on their rights under ERISA and HIPAA; and (4) communications to participants and beneficiaries that federal law generally prohibits the plan and health insurance issuers from limiting hospital stays for childbirth to less than 48 hours for normal deliveries and 96 hours for cesarean sections.</li> </ol> <p>DOL-provided Model Notices: <a href="http://www.dol.gov/ebsa/pdf/CAGAppD.pdf">http://www.dol.gov/ebsa/pdf/CAGAppD.pdf</a><sup>(49)</sup></p>

(40) <http://www.eeoc.gov/laws/statutes/gina.cfm>, (41) <http://www1.eeoc.gov/employers/poster.cfm>, (42) <http://www.dol.gov/ebsa/GINAexceptioninstructions.html>,

(43) <http://www.hhs.gov/ocr/privacy/hipaa/administrative/statute/>, (44) <http://www.dol.gov/ebsa/newsroom/fshipaa.html>, (45) [http://www.dol.gov/ebsa/faqs/faq\\_compliance\\_hipaa.html](http://www.dol.gov/ebsa/faqs/faq_compliance_hipaa.html),

(46) <http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html>, (47) <http://www.hhs.gov/ocr/privacy/hipaa/understanding/srsummary.html>, (48) <http://www.dol.gov/ebsa/hipaamodelnotice.doc>,

(49) <http://www.dol.gov/ebsa/pdf/CAGAppD.pdf>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Immigration and Nationality Act (INA) of 1952</b> <sup>(50)</sup> (8 U.S.C. § 1101 et seq.)	Requires employers who want to use foreign temporary workers on H-2A visas to get a labor certificate from the <b>Employment and Training Administration</b> <sup>(51)</sup> certifying that there are not sufficient, able, willing and qualified U.S. workers available to do the work.  Applies to all employers.	<b>Posting Requirements.</b> Employers who employ H-2A workers to display the <b>Employee Rights Under the H-2A</b> <sup>(52)</sup> poster where employees can readily see it.  <b>Notice Requirements.</b> None
<b>Immigration Reform and Control Act (IRCA)</b> <sup>(53)</sup>	Requires employers to verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9).  Applies to all employers.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None
<b>Labor-Management Relations Act (Taft-Hartley Act)</b> <sup>(54)</sup> (29 U.S.C. § 141 et seq.)	Amended the National Labor Relation Act to provide standards for: the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers; the protection of union funds and assets; the administration of trusteeships by labor organizations; and the election of officers of labor organizations. The Act also guarantees certain rights to all union members.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None
<b>Labor-Management Reporting and Disclosure Act (LRMDA)</b> <sup>(55)</sup> (29 U.S.C. § 401 et seq.)	Grants certain rights to union members and protects their interests by promoting democratic procedures within labor organizations. 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. The LMRDA covers unions, officers and employees of unions, union members, employers, labor relations consultants, surety	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None

(50) <http://www.uscis.gov/laws/act>, (51) <http://www.doleta.gov/>, (52) [http://www.dol.gov/whd/posters/pdf/WHd1491Eng\\_H2A.pdf](http://www.dol.gov/whd/posters/pdf/WHd1491Eng_H2A.pdf), (53) <http://http://www.law.cornell.edu/uscode/text/8/1324a>, (54) <http://www.law.cornell.edu/uscode/text/29/chapter-7>, (55) <http://www.dol.gov/olms/regs/statutes/lmrda-act.htm>

Federal Statute	What It Does	Posting and Notice Requirements
	companies, trusts in which a union is interested, and other "persons" as defined in the LMRDA who may be covered by particular provisions of the Act.	
<b>McNamara-O'Hara Service Contract Act (SCA)<sup>(56)</sup></b> (41 U.S. C. § 351 et seq.)	<p>Requires contractors and subcontractors performing services on federal or District of Columbia contracts in excess of \$2,500 to pay service employees in various classes no less than the wage rates and fringe benefits found prevailing in the locality or the rates (including prospective increases) contained in a predecessor contractor's collective bargaining agreement.</p> <p>Covers contracts and any bid specifications in excess of \$2,500, whether negotiated or advertised, entered into by federal and District of Columbia agencies where the principal purpose of the contract is to furnish services in the U.S. through the use of service employees.</p>	<p><b>Notice and Posting Requirements.</b> Every employer performing work covered by the Service Contract Act is required to provide each employee working on the contract notice of the SCA payment and fringe benefit requirements for the different classes of service employees and to post the <b>Employee Rights on Government Contracts<sup>(57)</sup></b> notice (including any applicable wage determination) at the site of the work in a prominent and accessible place where it may be easily seen by employees. There are no size requirements for the poster.</p> <p>If the contractor employs workers with disabilities under special minimum wage certificates, the <b>Notice to Workers with Disabilities/Special Minimum Wage<sup>(58)</sup></b> poster must also be posted. This poster explains the conditions under which special minimum wages may be paid. It must be posted in a conspicuous place on the employer's premises where it can be readily seen by employees and the parents or guardians of workers with disabilities.</p>

(56) <http://www.dol.gov/whd/regs/statutes/serv01.pdf>, (57) <http://www.dol.gov/whd/regs/compliance/posters/sca.htm>, (58) <http://www.dol.gov/whd/regs/compliance/posters/disab.htm>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Medicare Part D</b> <sup>(59)</sup>	Medicare prescription drug coverage is available to individuals enrolled in Medicare with special rules that apply to beneficiaries who have group health plan coverage through their own or their spouse's current employment. Group health plans of employers with 20 or more employees must offer these beneficiaries the same health insurance benefits under the same conditions that younger workers and spouses receive.	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> Entities offering prescription drug coverage under group health plans must notify Medicare eligible policyholders whether their prescription drug coverage is creditable coverage, which means that the coverage is expected to pay, on average, as much as the standard Medicare prescription drug coverage.</p> <p>There are two disclosure requirements:</p> <ul style="list-style-type: none"> <li>Written disclosure notice to all Medicare eligible individuals annually who are covered under its prescription drug plan, prior to October 15th each year and at various times as stated in the regulations. Creditable coverage disclosure notices are available at the CMS website at: <a href="http://www.cms.gov/medicare/prescription-drug-coverage/creditablecoverage/ccdisclosure1">www.cms.gov/medicare/prescription-drug-coverage/creditablecoverage/ccdisclosure1</a><sup>(60)</sup></li> <li>Online Disclosure to the Centers for Medicare and Medicaid Services (CMS) to report the creditable coverage status of the prescription drug plan. The Disclosure should be completed annually no later than 60 days from the beginning of a plan year (contract year, renewal year), within 30 days after termination of a prescription drug plan, or within 30 days after any change in creditable coverage status. <a href="https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html">https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html</a><sup>(61)</sup></li> </ul>

(59) [http://www.ssa.gov/OP\\_Home/ssact/title18/1800.htm](http://www.ssa.gov/OP_Home/ssact/title18/1800.htm), (60) <https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/Model-Notice-Letters.html>,  
(61) <https://www.cms.gov/Medicare/Prescription-Drug-Coverage/CreditableCoverage/CCDisclosureForm.html>



Federal Statute	What it Does	Posting and Notice Requirements
<b>Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA)</b> <sup>(62)</sup>	<p>Requires group health plans and health insurance issuers to ensure that financial requirements (such as co-pays, deductibles) and treatment limitations (such as visit limits) applicable to mental health or substance use disorder (MH/SUD) benefits are no more restrictive than the predominant requirements or limitations applied to substantially all medical/surgical benefits. MHPAEA supplements prior provisions under the Mental Health Parity Act of 1996 (MHPA), which required parity with respect to aggregate lifetime and annual dollar limits for mental health benefits.</p> <p>Applies to employers with more than 50 employees.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> None</p>
<b>National Labor Relations Act (NLRA)</b> <sup>(63)</sup> (29 U.S.C. §§ 151 – 169)	<p>Guarantees the right of employees to organize and bar gain collectively with their employers, and to engage in other protected concerted activity.</p> <p>Applies to most private sector employers, including manufacturers, retailers, private universities, and health care facilities. The NLRA does not apply to federal, state, or local governments; employers who employ only agricultural workers; and employers subject to the Railway Labor Act.</p>	<p><b>Posting Requirements.</b> None at this time. The NLRB has attempted to establish a posting requirement but the requirement has been enjoined by the federal courts.</p> <p><b>Notice Requirements.</b> None</p>
<b>Newborns' and Mothers' Health Protection Act of 1996 (NMHPA)</b> <sup>(64)</sup> (29 U.S.C. § 1185)	<p>Requires group health plans that offer maternity coverage to pay for at least a 48-hour hospital stay following childbirth (96-hour stay in the case of a cesarean section).</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> All group health plans that provide maternity or newborn infant coverage must include a statement in their summary plan description (SPD) advising participants of the NMHPA Act requirements.</p>

(62) [http://www.cms.gov/CCIIO/Programs-and-Initiatives/Other-Insurance-Protections/mhpaea\\_factsheet.html](http://www.cms.gov/CCIIO/Programs-and-Initiatives/Other-Insurance-Protections/mhpaea_factsheet.html), (63) <http://www.law.cornell.edu/uscode/text/29/chapter-7/subchapter-II>,  
(64) <http://www.law.cornell.edu/uscode/text/29/1185>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Occupational Older Workers Benefit Protection Act (OWBPA)</b> <sup>(65)</sup> (29 U.S.C. § 623)	Amends the Age Discrimination Act (ADEA) to prohibit discrimination in benefits.  Covers employers with 20 or more employees.	<b>Posting Requirements.</b> Covered by Title VII posting requirement (above).  <b>Notice Requirements.</b> None.
<b>Occupational Safety and Health Act (OSH Act) of 1970</b> <sup>(66)</sup> (29 U.S.C. § 651 et seq.)	Requires employers to comply with occupational safety and health standards issued by the Occupational Safety and Health Administration (OSHA) and to provide employees with a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.  Applies to all employers.	<b>Posting Requirements.</b> Covered by Title VII posting requirement (above).  <b>Notice Requirements.</b> None.  Posting Requirements. All covered employers are required to display and keep displayed the OSHA <b>Job Safety and Health: It's the Law</b> <sup>(67)</sup> poster unless the employer's workplace is located in a state that operates an <b>OSHA-approved state plan</b> <sup>(68)</sup> . There is a separate poster for Federal agencies. The OSHA poster must be displayed in a conspicuous place where employees can see it.  Reproductions or facsimiles of the poster must be at least 8 1/2 by 14 inches with 10 point type.  Notice Requirements. Employees, former employees and their representatives have the right to review the OSHA Form 300, Log of Work-related Illnesses and Injuries, in its entirety. Employers are required to post the Summary of Work-related Injuries and Illnesses (Form 300A) in a visible location so that employees are aware of the injuries and illnesses that occur in their workplace. Employers are required to post the Summary Form (300A) by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year.

<sup>(65)</sup> <http://www.eeoc.gov/eeoc/history/35th/thelaw/owbpa.html>, <sup>(66)</sup> [https://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=OSHACT&p\\_toc\\_level=0&p\\_keyvalue=OshAct\\_toc\\_by\\_sect.html](https://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=OSHACT&p_toc_level=0&p_keyvalue=OshAct_toc_by_sect.html),  
<sup>(67)</sup> <https://www.osha.gov/Publications/poster.html>, <sup>(68)</sup> <https://www.osha.gov/dcsp/osp/index.html>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Occupational Safety and Health Administration Compliance Assistance Authorization Act<sup>(69)</sup></b> (29 U.S.C. § 670d)	Established a program under which employers could consult with State officials regarding compliance with occupational safety and health requirements.  Applies to all employers.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None
<b>Patient Protection and Affordable Care Act<sup>(70)</sup></b> (PPACA) (H.R. 3590)	The Patient Protection and Affordable Care Act (PPACA or ACA) and often just referred to as health care reform as signed into law on March 23, 2010. Designed to expand the availability of affordable health care coverage to all Americans, this sweeping law has many provisions, some of which were implemented immediately and other elements of the law will extend out for the next several years.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> There are numerous notice requirements under the ACA requiring group health plans to provide notices to employees, plan participants and others eligible for benefits of various provisions of the Act. For more information, visit the ThinkHR web library or the Department of Labor Employee Benefits Security Administration Affordable Care Act website at <a href="http://www.dol.gov/ebsa/healthreform/">http://www.dol.gov/ebsa/healthreform/</a> . <sup>(71)</sup>

(69) <http://www.law.cornell.edu/uscode/text/29/670>, (70) <http://www.gpo.gov/fdsys/pkg/BILLS-111hr3590enr/pdf/BILLS-111hr3590enr.pdf>, (71) <http://www.dol.gov/ebsa/healthreform/>

Federal Statute	What It Does	Posting and Notice Requirements
<b>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)<sup>(72)</sup></b>	Requires employers to report newly hired employees to the state new hire directories for purposes of child support enforcement and unemployment compensation.  Applies to all employers.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None
<b>Pregnancy Discrimination Act (PDA)<sup>(73)</sup></b> (42 U.S.C. § 2000e(k))	Amended Title VII (see below) to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.  Covers employers with 15 or more employees.	<b>Posting Requirements.</b> Covered by Title VII posting requirements (see Title VII section for more information).  <b>Notice Requirements.</b> None
<b>Section 501 and 505 of the Rehabilitation Act<sup>(74)</sup></b> (29 U.S.C. § 705 et seq.)	Makes it illegal to discriminate against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.	<b>Posting Requirements.</b> None  <b>Notice Requirements.</b> None

(72) [http://thomas.loc.gov/cgi-bin/query/z?c104:H.R.3734.ENR](http://thomas.loc.gov/cgi-bin/query/z?c104:H.R.3734.ENR;); (73) <http://www.eeoc.gov/laws/statutes/pregnancy.cfm>; (74) <http://www.eeoc.gov/laws/statutes/rehab.cfm>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Section 503 of the Rehabilitation Act<sup>(75)</sup></b> (29 U.S.C. § 793)	<p>Requires employers with federal contracts or subcontracts that exceed \$10,000, and contracts or subcontracts for indefinite quantities (unless the purchaser has reason to believe that the cost in any one year will not exceed \$10,000), to take affirmative steps to hire, retain, and promote qualified individuals with disabilities. The regulations implementing Section 503 make clear that this obligation to take affirmative steps includes the duty to refrain from discriminating in employment against qualified individuals on the basis of disability.</p> <p>Generally applies to employers with federal contracts or subcontracts that exceed \$10,000.</p>	<p><b>Posting and Notice Requirements.</b> Contractors and subcontractors who have a covered federal contract or subcontract are required to post the EEO notice, <b>Equal Employment Opportunity is the Law Poster<sup>(76)</sup></b>. The notice must be posted prominently, where it can be readily seen by employees and applicants for employment, (e.g., personnel office, work-out facility, lunchroom, or company bulletin board). There is no particular size requirement.</p> <p>Contractors that have the obligation to develop a written Section 503 AAP must post a notice at each establishment providing the location and hours the AAP may be obtained. Additionally, the policy statement required by the Section 503 AAP must be posted on company bulletin boards so that applicants and employees with disabilities are informed of the contents of the policy statement (for example, the contractor may have the statement read to a visually disabled individual, or may lower the posted notice so that it can be read by a person in a wheelchair).</p>
<b>Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA)<sup>(77)</sup></b> (38 U.S.C. § 4301 et seq.)	<p>Requires employers to provide to employees notice of their rights, benefits, and obligations under USERRA. Employers may provide the required notice by distributing it or posting it where employee notices are customarily placed.</p> <p>Applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services" which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services.</p>	<p><b>Posting and Notice Requirements.</b> Employers are required to provide to persons covered by USERRA a notice of the rights, benefits, and obligations of the employees and employers under USERRA. To do this, employers may post the notice entitled <b>Your Rights Under USERRA<sup>(78)</sup></b> where employer notices are customarily placed, mail it, or by distributing it via electronic mail. There is no size requirement for the poster version of the notice.</p>

(75) <http://www.law.cornell.edu/uscode/text/29/793>, (76) <http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>, (77) <http://www.dol.gov/vets/usc/vpl/usc38.htm>, (78) [http://www.dol.gov/vets/programs/userra/USERRA\\_Private.pdf](http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf)

Federal Statute	What it Does	Posting and Notice Requirements
<p><b>Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)</b><sup>(79)</sup> (38 U.S.C. § 4212)</p>	<p>Requires that contractors and subcontractors with a federal contract or subcontract in the amount of \$100,000 or more, entered into on or after December 1, 2003, for the purchase, sale, or use of personal property or non-personal services (including construction), take affirmative action to employ and advance in employment qualified covered veterans. Disabled veterans, recently separated veterans (veterans within 3 years of their discharge or release from active duty), veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized (referred to as "other protected veterans"), and Armed Forces service medal veterans are covered veterans under VEVRAA.</p> <p>Generally covers employers with federal contracts or first-tier subcontracts that meet the threshold amount specified in the statute. The date on which the employer entered its federal contract is a key factor in determining whether or not the contract is covered under Section 4212. In the case of federal contracts or subcontracts entered into on or after December 1, 2003, the employer is covered under Section 4212 if the federal contract or subcontract is in the amount of \$100,000 or more.</p>	<p><b>Posting and Notice Requirements.</b> Contractors and subcontractors who have a covered federal contract or subcontract are required to post the EEO notice, <b>Equal Employment Opportunity is the Law</b><sup>(80)</sup> poster. The notice must be posted prominently, where it can be readily seen by employees and applicants for employment, (e.g., personnel office, work-out facility, lunchroom, or company bulletin board). The contractor must ensure that applicants or employees who are disabled veterans are informed of the contents of the notice (e.g., the contractor may have the notice read to a visually disabled individual, or may lower the posted notice so that it can be read by a person in a wheelchair). There is no particular size requirement.</p> <p>Contractors that have the obligation to develop a written AAP under VEVRAA must post a notice at each establishment providing the location and hours the AAP may be obtained. Additionally, the policy statement required by a Section 4212 AAP must be posted on company bulletin boards and applicants and employees who are disabled veterans must be informed of the contents of the policy statement (for example, the contractor may have the statement read to a visually disabled individual, or may lower the posted notice so that it can be read by a person in a wheelchair).</p>

(79) <http://www.dol.gov/ofccp/regs/statutes/4212.htm>, (80) <http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Walsh-Healey Public Contracts Act (PCA)</b> <sup>(81)</sup>	<p>Requires covered contractors to pay employees on federal supply contracts in excess of \$10,000 not less than the federal minimum wage for all hours worked and time and one half their regular rate of pay for all hours worked over 40 in a workweek.</p> <p>Applies to contractors with contracts in excess of \$10,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia. The PCA covers employees who produce, assemble, handle, or ship goods under these contracts.</p>	<p><b>Posting Requirement.</b> Every employer performing work covered by the PCA is required to post the <b>Employee Rights on Government Contracts</b><sup>(82)</sup> notice (including any applicable wage determination) at the site of the work in a prominent and accessible place where it may be easily seen by employees. There are no size requirements for the poster.</p> <p>If the contractor employs workers with disabilities under special minimum wage certificates, the "<b>Notice to Workers with Disabilities/Special Minimum Wage</b><sup>(83)</sup>" poster" must also be posted. This notice explains the conditions under which special minimum wages may be paid. The poster must be posted in a conspicuous place on the employer's premises where it can be readily seen by employees and the parents or guardians of workers with disabilities.</p>
<b>Women's Health and Cancer Rights Act (WHCRA)</b> <sup>(84)</sup> (29 U.S.C. § 1185b)	<p>Provides protections for patients who elect breast reconstruction in connection with a mastectomy. For group health plan participants and beneficiaries receiving benefits in connection with a mastectomy, plans offering coverage for a mastectomy must also cover reconstructive surgery and other benefits related to a mastectomy.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> The group health plan or issuer is required to provide participants with a notice of rights under WHCRA at time of enrollment and annual thereafter.</p>
<b>Worker Adjustment and Retraining Notification Act of 1989 (WARN)</b> <sup>(85)</sup> (29 U.S.C. § 2101 et seq.)	<p>Requires employers to provide notification 60 calendar days in advance of plant closings and mass layoffs.</p> <p>Generally covers employers with 100 or more employees, not counting those who have worked less than six months in the last 12 months and those who work less than 20 hours per week, or those employers with 100 or more employees, including part-time workers, who in the aggregate work at least 4,000 hours per week, exclusive of overtime.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> If an employer orders a plant closing or mass layoff, it is required to provide <b>notification</b><sup>(86)</sup> to the employees or their representatives, the state dislocated worker units, (so that they can promptly offer dislocated worker assistance), and the chief elected officials of local governments.</p>

(81) <http://www.law.cornell.edu/uscode/text/41/subtitle-II/chapter-65>, (82) <http://www.dol.gov/whd/regs/compliance/posters/sca.htm>, (83) <http://www.dol.gov/whd/regs/compliance/posters/disab.htm>  
(84) <http://www.law.cornell.edu/uscode/text/29/1185b>, (85) <http://www.law.cornell.edu/uscode/text/29/chapter-23>, (86) <http://www.dol.gov/compliance/guide/layouts.htm#posters>

The following are some additional federal laws that affect employers in certain industries (i.e., mining, longshoremen). More information for each statute is available by clicking on the links. Employers should also check state statutes to ensure compliance in the jurisdiction(s) where the company operates.

Federal Statute	What it Does	Posting and Notice Requirements
<b>Black Lung Benefits Act - Title IV, Federal Mine Safety and Health Act<sup>(87)</sup></b> (30 U.S.C. § 901 et seq.)	Provides monthly cash payments and medical benefits to coal miners totally disabled from pneumoconiosis ("black lung disease") arising from their employment in the nation's coal mines. The statute also provides monthly benefits to a deceased miner's survivors if the miner's death was due to black lung disease.	<b>Posting Requirements.</b> None.  <b>Notice Requirements.</b> None.
<b>Defense Base Act (DBA)<sup>(88)</sup></b> (42 U.S.C. §§ 1651-54)	Extension of the Longshore and Harbor Workers' Compensation Act (LHWCA or Longshore Act) and provides for compensation and medical care to employees disabled from injuries that occur while working under federal contracts on military bases, occupied territories, and certain other overseas locations. The Act also provides benefits to specific survivors and dependents if the injury causes the employee's death.	<b>Posting Requirements.</b> None <b>Notice Requirements.</b> The DBA, as an extension of the Longshore Act, imposes a notice requirement, although the nature of overseas employment, especially in war zones, makes this impractical in some circumstances. Workers are advised to talk with their employers about the workers' compensation protections provided. An employer is required to post printed notices when practical, in a form prescribed by the Department, to advise employees what to do when they are injured at work. At a minimum, employees must be instructed who to notify in case of injury. Notices must be posted in a conspicuous place or places at each worksite. In the notice, the employer must: 1) designate by name (or title), location and phone number of the employer's official responsible for receiving all notices of injury or death from employees or survivors; and 2) state that the employer has secured its payment of compensation under the Defense Base Act. Self-insured employers use Form LS-242 and employers insured by an insurance carrier use Form LS-241. For insured employers, the notice must contain the name and address of the carrier and the date its policy expires. The Form LS-242 and LS-241 are sent to each self-insurer and carrier, when authorized. These are customized by them for each location.

(87) <http://www.law.cornell.edu/uscode/text/30/chapter-22/subchapter-IV/part-A>, (88) <http://www.dol.gov/owcp/dlhwc/dba.htm>



Federal Statute	What it Does	Posting and Notice Requirements
<b>Longshore and Harbor Workers' Compensation Act (LHWCA)</b> <sup>(89)</sup> (33 U.S.C. § 901 et seq.)	<p>Provides for compensation and medical care to employees disabled from injuries that occur on the navigable waters of the United States, or in adjoining areas used in loading, unloading, repairing, or building certain vessels. The Act also provides benefits to specific survivors and dependents if the injury causes the employee's death.</p>	<p><b>Posting Requirements.</b> None</p> <p><b>Notice Requirements.</b> The Longshore Act imposes a notice requirement. An employer must post printed notices, in a form prescribed by the Department, to advise employees what to do when they are injured at work. Notices must be posted in a conspicuous place or places at each worksite. In the notice, the employer must: 1) designate by name (or title), location and phone number of the employer's official responsible for receiving all notices of injury or death from employees or survivors; and 2) state that the employer has secured its payment of compensation under the Longshore Act and its extensions. Self-insured employers use Form LS-242 and employers insured by an insurance carrier use Form LS-241. For insured employers, the notice must contain the name and address of the carrier and the date its policy expires.</p>
<b>Migrant &amp; Seasonal Agricultural Worker Protection Act (MSPA)</b> <sup>(90)</sup>	<p>Regulates the hiring and employment activities of agricultural employers, farm labor contractors, and associations using migrant and seasonal agricultural workers. The Act prescribes wage protections, housing and transportation safety standards, farm labor contractor registration requirements, and disclosure requirements.</p>	<p><b>Posting Requirement.</b> Each farm labor<sup>(91)</sup> contractor, agricultural employer and agricultural association, that is subject to the MSPA and that employs any migrant or seasonal agricultural worker is required to post a poster explaining the rights and protections for workers required under the MSPA, such as the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) poster.</p> <p>There are no size requirements for these posters. Employers are encouraged to make the poster available in languages other than English.</p> <p><b>Notice Requirements.</b> The MSPA has <b>several notice requirements</b>.<sup>(91)</sup></p>

(89) <http://www.oalj.dol.gov/PUBLIC/LONGSHORE/REFERENCES/STATUTES/LHWCA.HTM>, (90) <http://www.dol.gov/whd/regs/statutes/0001.mspa.htm>, (91) <http://www.dol.gov/compliance/guide/mspa.htm#posters>

Federal Statute	What it Does	Posting and Notice Requirements
<b>Mine Safety and Health Act (Mine Act)</b> <sup>(92)</sup> (30 U.S.C. § 801 et seq.)	Holds mine operators responsible for the safety and health of miners; provides for the setting of mandatory safety and health standards, mandates miners' training requirements; prescribes penalties for violations; and enables inspectors to close dangerous mines. The safety and health standards address numerous hazards including roof falls, flammable and explosive gases, fire, electricity, equipment rollovers and maintenance, airborne contaminants, noise, and respirable dust.	<b>Posting Requirement.</b> None.  <b>Notice Requirements.</b> The Mine Act has <b>several notice requirements.</b> <sup>(93)</sup>

**NOTE:** There are additional “right to know” rules relating to hazards in the workplace at both the state and federal level that are not detailed in this document.

Information regarding the major statutes and regulations enforced by the U.S. Department of Labor (DOL) can be found **here.**<sup>(94)</sup>

The DOL list of workplace posters can be found **here.**<sup>(95)</sup>

A list of laws enforced by the Equal Employment Opportunity Commission (EEOC) can be found **here.**<sup>(96)</sup>

For more information, visit:

<http://www.dol.gov/compliance/guide/index.htm><sup>(97)</sup>

<http://www.dol.gov/compliance/topics/posters.htm><sup>(98)</sup>

Please note that the resources provided are for informational purposes only as of October 2013 to help our clients better understand the federal laws affecting employers and are not intended to be all-inclusive or substitute for legal advice. Please consult with your benefits broker, legal and tax advisors to ensure that any action you take is based on facts specific to your organization and comply with federal, state and local statutes.

<sup>(92)</sup> <http://www.law.cornell.edu/uscode/text/30/801>, <sup>(93)</sup> <http://www.dol.gov/compliance/guide/msha.htm#posters>, <sup>(94)</sup> <http://www.dol.gov/compliance/guide/index.htm>,  
<sup>(95)</sup> <http://www.dol.gov/oasam/boc/osdbu/sbrefa/poster/matrix.htm>, <sup>(96)</sup> <http://www.eeoc.gov/laws/statutes/gina.cfm>, <sup>(97)</sup> <http://www.dol.gov/compliance/guide/index.htm>,  
<sup>(98)</sup> <http://www.dol.gov/compliance/topics/posters.htm>