



Federal Employment Laws & Key Requirements for Group Health Plans by Employer Size

This chart serves as a reference to federal laws affecting private employers and group health plans and provides an overview of each law with posting and notice requirements.

Employer Size	Provision
All Employers	<ul style="list-style-type: none"> • Consumer Credit Protection Act (CCPA) • Employee Polygraph Protection Act (EPPA) • Employee Retirement Income Security Act (ERISA) (other than governmental employers and certain church plans) • Equal Pay Act (EPA) • Fair Credit Reporting Act (FCRA) • Fair Labor Standards Act (FLSA) • Federal Income Tax Withholding (FITW) • Federal Insurance Contribution Act (FICA) • Federal Unemployment Tax Act (FUTA) • Health Insurance Portability and Accountability Act (HIPAA) • Immigration and Nationality Act (INA) • Immigration Reform and Control Act (IRCA) • National Labor Relations Act (NLRA) • Newborns' and Mothers' Health Protection Act (NMHPA) • Occupational Safety and Health Act (OSH Act) • Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) • Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) • Uniformed Services Employment and Reemployment Rights Act (USERRA)
15 or More Employees	<ul style="list-style-type: none"> • Americans with Disabilities Act (ADA) • Genetic Information Nondiscrimination Act (GINA) • Pregnancy Discrimination Act (PDA) • Pregnant Workers Fairness Act (PWFA) • Title VII of the Civil Rights Act (Title VII)
20 or More Employees	<ul style="list-style-type: none"> • Age Discrimination in Employment Act (ADEA) • Consolidated Omnibus Budget Reconciliation Act (COBRA)
50 or More Employees	<ul style="list-style-type: none"> • Family and Medical Leave Act (FMLA) • Mental Health Parity and Addiction Equity Act (MHPAEA)
100 or More Employees	<ul style="list-style-type: none"> • Worker Adjustment and Retraining Notification Act (WARN)
Additional Laws	<ul style="list-style-type: none"> • Affordable Care Act (ACA) • Women's Health and Cancer Rights Act (WHCRA)

Federal Statute	What it Does	Posting and Notice Requirements
All Employers		
Consumer Credit Protection Act (CCPA)	Protects employees from discharge because their wages are garnished for any one debt and limits the amount of wages garnished in any one week.	Posting: None Notice: None
Employee Polygraph Protection Act (EPPA)	Prohibits most private employers from using lie detector tests, either for pre-employment screening or during employment. Applies to most private employers.	Posting: Employers must post and keep posted on their premises a notice explaining the act. The notice must be posted in a conspicuous place where it can be seen by employees and applicants. Notice: There are specific notices that must be given to examinees and examiners in instances where polygraph tests are permitted.
Employee Retirement Income Security Act (ERISA)	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. ERISA covers retirement, health, and other welfare benefit plans such as life, disability, and apprenticeship plans. Note: ERISA does not apply to plans sponsored by governmental employers (such as cities, counties, and public school districts) or certain church plans.	Posting: None Notice: <ul style="list-style-type: none"> Welfare Plans: ERISA contains several notice requirements for health and welfare plans, including a Summary Plan Description (SPD). For health plans, other notices may be required depending on the number of employees and benefits offered by the plan. See the Reporting and Disclosure Guide for Employee Benefit Plans for certain basic disclosure requirements under ERISA. Retirement Plans: ERISA contains several notice requirements for retirement plans, such as the SPD, individual benefit statements, and the Summary Annual Report. See above for guide.
Equal Pay Act (EPA)	Prohibits discrimination in wages between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions.	Posting: None Notice: None
Fair Credit Reporting Act (FCRA)	With respect to employment, governs the use of consumer reports by employers, including background checks.	Posting: None Notice: Employers must provide notices that meet certain criteria to applicants and employees before running a consumer report, when contemplating any adverse action based on a consumer report, and when adverse action is taken based on information in a consumer report.
Fair Labor Standards Act (FLSA)	Establishes standards for minimum wages, overtime, recordkeeping, and child labor, as well as the types of workers that are exempt from some or all provisions and under what circumstances. See the PUMP Act for lactation requirements.	Posting: Employers must post the Fair Labor Standards Act poster in a conspicuous location in each workplace. Notice: None

Federal Statute	What it Does	Posting and Notice Requirements
All Employers (con't)		
Federal Income Tax Withholding (FITW)	Requires employers to withhold taxes on employee wages at time of payment.	Posting: None Notice: None
Federal Insurance Contribution Act (FICA)	Imposes taxes on both employers and employees to fund Social Security and Medicare.	Posting: None Notice: None
Federal Unemployment Tax Act (FUTA)	Imposes a federal unemployment tax (only paid by employers) that, with state unemployment programs, provides for unemployment compensation to workers who lose their jobs.	Posting: None Notice: None
Health Insurance Portability and Accountability Act (HIPAA)	<p>Provides for the portability of employee healthcare plans and provides for the protection of certain healthcare-related information.</p> <p>With some limited exceptions, HIPAA applies to all health plans, including self-insured and fully insured plans.</p> <p>For more information, see Summary of HIPAA Security Rule.</p>	Posting: None Notice: <ul style="list-style-type: none"> HIPAA Privacy Notices to inform plan participants how their protected health information (PHI) will be used and safeguarded. SPDs and Summary of Material Modifications (SMMs) should include: a description of the classes eligible for coverage, when coverage starts and ends, and the circumstances that could result in loss of eligibility; an explanation of events (such as acquiring new dependents or suffering loss of coverage under another plan) that allow the employee to make midyear enrollment changes; and notification of where participants and beneficiaries can go for assistance or information on their rights under ERISA and HIPAA.
Immigration and Nationality Act (INA)	<p>The law prohibits:</p> <ul style="list-style-type: none"> Citizenship status discrimination in hiring, firing, or recruitment or referral for a fee; National origin discrimination in hiring, firing, or recruitment or referral for a fee; Unfair documentation practices during the employment eligibility verification, Form I-9, and E-Verify processes; and Retaliation or intimidation. <p>Regulates the admission of foreign workers into the U.S. and in certain circumstances allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature.</p>	Posting and Notice: The requirements vary by the classification of non-citizen or foreign worker being hired. See the specific INA chapters to determine the notices and poster requirements for each immigration category.

Federal Statute	What it Does	Posting and Notice Requirements
All Employers (con't)		
Immigration Reform and Control Act (IRCA)	Prohibits employers from knowingly hiring individuals that are unauthorized to work in the U.S. or hiring individuals without completing the employment eligibility verification process. Requires all employers in the U.S. to use Form I-9, Employment Eligibility Verification. Prohibits discrimination based on national origin and citizenship or immigration status with respect to hiring, firing, and recruitment or referral for a fee.	Posting: None Notice: None
National Labor Relations Act (NLRA)	Guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Key provisions of the NLRA apply to all employers (not just those with unions) and guarantee employees' rights to discuss their wages and working conditions, among other things.	Posting: None Notice: None
Newborns' and Mothers' Health Protection Act (NMHPA)	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).	Posting: None Notice: All group health plans that provide maternity or newborn infant coverage must include a statement in their SPD advising participants of the NMHPA requirements.
Occupational Safety and Health Act (OSH Act)	Requires employers to provide employees with a workplace free from recognized hazards as well as provide information and training about job hazards. Establishes reporting requirements for work-related injuries and fatalities. Employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses, though employers in certain low risk industries are exempt. Employers must report any worker fatality within eight hours, report any amputation, loss of an eye, or hospitalization of a worker within 24 hours.	Posting: <ul style="list-style-type: none"> Employers must post the OSHA Job Safety and Health: It's the Law poster. Employers in a state with an OSHA-approved state plan may be required to post a state version of the OSHA poster. Federal government agencies must use the federal agency poster. Employers are required to conspicuously post the Summary of Work-Related Injuries and Illnesses (OSHA 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. Notice: None
Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)	Requires employers to report newly hired employees to state new hire directories for child support enforcement.	Posting: None Notice: None
Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act)	Requires employers to provide break time and a private space other than a bathroom for employees to express milk for their nursing child for up to one year after the child's birth. Employees must be allowed to take a lactation break whenever they need to express milk and must be fully relieved of their duties or paid for the time. There is an undue hardship exception for employers with fewer than 50 employees.	Posting: Covered by the FLSA notice. Notice: None

Federal Statute	What it Does	Posting and Notice Requirements
All Employers (con't)		
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Prohibits discrimination based on current or past membership, or application for membership, in the uniformed service. Protects civilian job rights and benefits while absent for service. Provides protections for veterans with disabilities, requires reasonable accommodations for disabilities, and establishes re-employment rights. Establishes five years as the cumulative length an individual may be absent from work for military duty and retain re-employment rights, with exception.	Posting and Notice: Employers are required to provide those covered by USERRA with a notice of the rights, benefits, and obligations under USERRA. To do this, employers may post the Your Rights Under USERRA notice where employer notices are customarily placed; the notice may also be mailed or distributed via email.
15 or More Employees		
Americans with Disabilities Act (ADA)	Prohibits discrimination against a qualified person with a disability. 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.	Posting: Covered by Title VII posting requirement. Notice: None
Genetic Information Nondiscrimination Act (GINA)	Prohibits discrimination against employees or applicants because of genetic information.	Posting: Covered by Title VII posting requirement. Notice: There are notice requirements under the research exception to GINA.
Pregnancy Discrimination Act (PDA)	Prohibits discrimination based on current pregnancy, past pregnancy, and potential pregnancy. Requires employers to treat those affected by pregnancy, childbirth, or related medical conditions in the same manner as other applicants or employees who are similar in their ability or inability to work.	Posting: Covered by Title VII posting requirement. Notice: None
Pregnant Workers Fairness Act (PWFA)	Requires employers to provide reasonable accommodations for employees and applicants who have known limitations (a lower standard than disability) related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause the employer an undue hardship.	Posting: Covered by the Title VII posting requirements. Notice: None
Title VII of the Civil Rights Act (Title VII)	Prohibits discrimination on the basis of race, color, religion, national origin, or sex. 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.	Posting: Employers must post the Equal Employment Opportunity is the Law poster. The notice must be posted prominently in a location where it can be readily seen by employees and applicants. Notice: None

Federal Statute	What it Does	Posting and Notice Requirements
20 or More Employees		
Age Discrimination in Employment Act (ADEA)	Prohibits employment discrimination against people who are 40 or older.	Posting: Covered by Title VII posting requirement. Notice: None
Consolidated Omnibus Budget Reconciliation Act (COBRA)	Requires most group health plans to offer persons who lose coverage due to certain events the opportunity to continue their coverage on a self-pay basis.	Posting: None Notice: Group health plans must provide covered employees and their families with certain notices 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.
50 or More Employees		
Family and Medical Leave Act (FMLA)	Entitles eligible employees of employers to take unpaid, job-protected leave for specified family, medical, and military reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.	Posting: All 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 of violations of the act with the Wage and Hour Division. 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. Employers must display the poster even if no employees are eligible for FMLA leave. Where the employer's workforce has 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. Notice: Employers are required to provide certain notices (General, Eligibility, Rights and Responsibilities, and Designation) at different times. These notices are explained in WHD Fact Sheet #28D .
Mental Health Parity and Addiction Equity Act (MHPAEA)	Requires group health plans and health insurance issuers to ensure that financial requirements (such as copays and deductibles) and treatment limitations (such as visit limits) applicable to mental health or substance use disorder 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.	Posting: None Notice: Upon request, provide the plan participant with a notice describing the plan's criteria for determining medical necessity for mental health or substance use disorder benefits.

Federal Statute	What it Does	Posting and Notice Requirements
100 or More Employees		
Worker Adjustment and Retraining Notification Act (WARN)	Requires employers to provide written notice at least 60 calendar days in advance of plant closings and mass layoffs.	<p>Posting: None</p> <p>Notice: If an employer orders a plant closing or mass layoff, it is required to provide notification to the employees or their representatives, the state dislocated worker units, and the chief elected officials of local governments. A WARN notice is required by:</p> <ul style="list-style-type: none"> • Employers with more than 100 full-time workers (not counting workers who have less than six months on the job and workers who work fewer than 20 hours per week) that are laying off at least 50 people at a single site of employment; or • Employers with 100 or more workers who work at least a combined 4,000 hours per week, and are a private for-profit business, private nonprofit organization, or quasi-public entity separately organized from regular government.
Additional Laws		
Affordable Care Act (ACA)	Prohibits health plans from imposing pre-existing condition exclusions, annual or lifetime dollar maximums on essential health benefits, and various other restrictions. Requires applicable large employers (ALEs) to either offer minimum essential coverage that is affordable and provides minimum value to its full-time employees (and their children) or risk paying a shared responsibility payment.	<p>Posting: None</p> <p>Notice: There are numerous 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, see the Department of Labor Employee Benefits Security Administration Affordable Care Act website.</p>
Women's Health and Cancer Rights Act (WHCRA)	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>Posting: None</p> <p>Notice: The group health plan or issuer is required to provide participants with a notice of rights under the WHCRA at time of enrollment and annually thereafter.</p>