

## Summary of Federal Labor Regulations General Guidelines\*

Act	Year Enacted	Enforcing Agency	Major Provisions	Penalties	Coverage	Defenses
Fair Labor Standards Act (FLSA)	1938	U.S. Department of Labor – Wage and Hour Division	<ol style="list-style-type: none"> <li>1. Minimum Wage</li> <li>2. Overtime</li> <li>3. Child Labor</li> <li>4. Record Keeping Requirements</li> <li>5. Exemptions</li> <li>6. EPA Amendment</li> </ol>	<ol style="list-style-type: none"> <li>1. Payment of back wages 2 years non-willful 3 years willful</li> <li>2. Liquidated damages</li> <li>3. Injunction</li> <li>4. Federal contractor debarment</li> <li>5. Criminal penalties</li> <li>6. Prejudgment interest</li> <li>7. Attorney’s fees</li> </ol>	Companies involved in interstate or foreign commerce (broadly interpreted)	<ol style="list-style-type: none"> <li>1. Job documentation for exemption status</li> <li>2. Accurate time reporting</li> <li>3. Accurate record-keeping</li> </ol>
Equal Pay Act (EPA)	1963	Equal Employment Opportunity Commission (EEOC)	Men and women performing substantially similar work be paid the same	<ol style="list-style-type: none"> <li>1. Payment of back wages 2 years non-willful, 3 years willful</li> <li>2. Liquidated damages</li> <li>3. Injunction</li> <li>4. Federal contractor debarment</li> <li>5. Criminal penalties</li> <li>6. Prejudgment interest</li> <li>7. Attorney’s fees</li> </ol>	All employees subject to the FLSA	<ol style="list-style-type: none"> <li>1. Seniority system</li> <li>2. Merit System</li> <li>3. System that measures earnings by quality or quantity of production</li> <li>4. Any factor other than sex</li> </ol>
Title VII of the Civil Rights Act (as amended with the Civil Rights Act of 1991)	1964	Equal Employment Opportunity Commission (EEOC)	Prohibits discrimination on the basis of race, color, religion, sex or national origin	<ol style="list-style-type: none"> <li>1. “Make employee whole”; 2 year limitation</li> <li>2. Interest</li> <li>3. Attorneys’ fees and court costs</li> <li>4. Compensatory and punitive damages</li> <li>5. Jury trial</li> </ol>	Companies affecting commerce employing 15 or more employees 20 weeks per year	<ol style="list-style-type: none"> <li>1. Seniority system</li> <li>2. Merit System</li> <li>3. System that measures earnings by quality or quantity of production</li> <li>4. Different locations</li> <li>5. Prevailing market wage rates</li> </ol>

\* see law for general guidelines

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Age Discrimination in Employment Act (ADEA)	1967	Equal Employment Opportunity Commission (EEOC)	Prohibits age discrimination with respect to hiring, termination, compensation, and other terms, conditions or privileges of employment for employees 40 years of age or older.	<ol style="list-style-type: none"> <li>1. Payment of back wages 2 years non-willful, 3 years willful</li> <li>2. Liquidated damages</li> <li>3. Injunction</li> <li>4. Federal contractor debarment</li> <li>5. Criminal penalties</li> </ol>	Companies affecting commerce employing 20 or more employees or local, state, and federal governments (including employees of the Senate, presidential appointees and employees of elected state or local officials)	<ol style="list-style-type: none"> <li>1. Seniority system</li> <li>2. When age is BFOQ</li> <li>3. Executives entitled to \$44,000 or more retirement benefits</li> <li>4. Elected officials and high level appointed officials in government</li> <li>5. Special provisions for firefighters, law enforcement and tenured faculty</li> <li>6. Bona fide benefit plan</li> <li>7. Reasonable factors other than age</li> </ol>
Rehabilitation Act	1973	Office of Federal Contract Compliance Programs (OFCCP)	Cannot discriminate against physically or mentally handicapped individuals.	<ol style="list-style-type: none"> <li>1. "Make employee whole"; 2 year limitation</li> <li>2. Federal contractor debarment</li> </ol>	Employers with federal contracts over \$2,500	<ol style="list-style-type: none"> <li>1. A direct threat to the safety or self or others</li> <li>2. Undue hardship of the business entity</li> <li>3. Current use of alcohol or drugs impairing job performance</li> <li>4. Business necessity</li> <li>5. Accommodation would violate some other regulation (e.g. OSHA)</li> </ol>
Americans with Disabilities Act (ADA)	1990	Equal Employment Opportunity Commission (EEOC) and the U.S. Attorney General	<p>Cannot discriminate against qualified persons with disabilities for employment or current employees.</p> <p><b>July 1992</b> – employers with 25 or more employees</p> <p><b>July 1994</b> – employers with 15 to 24 employees will also be covered.</p>	<ol style="list-style-type: none"> <li>1. "Make employees whole" 2 year limitation</li> <li>2. Interest</li> <li>3. Attorney's fees and court costs</li> <li>4. Compensatory and punitive damages</li> <li>5. Jury trial</li> </ol>	Companies involved in commerce (broadly interpreted)	<ol style="list-style-type: none"> <li>1. A direct threat to the safety of self or others</li> <li>2. Undue hardship of the business entity</li> <li>3. Current use of alcohol or drugs impairing job performance</li> <li>4. Business necessity</li> <li>5. Accommodation would violate some other regulation (e.g. OSHA)</li> </ol>