

HR BASICS FOR FEDERAL CONTRACTORS
ALEXANDRIA SMALL BUSINESS DEVELOPMENT CENTER SEMINAR
March 5, 2013

A. Laws Information Provided by the Society for Human Resources Management.

Federal Labor Laws By Number of Employees

1-14 Employees

- Title VII of the Civil Rights Act of 1964 (for employment agencies and labor organizations). See 15-19 for other employers.
- Consumer Credit Protection Act of 1968
- Employee Polygraph Protection Act of 1988
- Employee Retirement Income Security Act (ERISA) of 1974 (if company offers benefits)
- Equal Pay Act of 1963
- Fair and Accurate Credit Transactions Act of 2003 (FACT)
- Fair Credit Reporting Act of 1969
- Fair Labor Standards Act of 1938
- Federal Insurance Contributions Act of 1935 (FICA) (Social Security)
- Health Insurance Portability and Accountability Act (HIPAA) of 1996 (if company offers benefits)
- Hiring Incentives to Restore Employment Act of 2010 (HIRE)
- Immigration Reform and Control Act of 1986
- Lilly Ledbetter Fair Pay Act of 2007
- National Labor Relations Act of 1947
- Newborns' and Mothers' Health Protection Act of 1996 (for
- Occupational Safety and Health Act of 1970
- Sarbanes-Oxley Act of 2002
- Uniform Guidelines on Employee Selection Procedures of 1978
- Uniformed Services Employment and Reemployment Rights Act of 1994

11-14, add

- OSHA Recordkeeping (maintain record of job related injuries and illnesses)

15-19, add

- Title VII of the Civil Rights Act of 1964
- Americans with Disabilities Act of 1990
- Genetic Information Nondiscrimination Act (GINA) of 2008

20-49, add

- Age Discrimination in Employment Act of 1967
- Consolidated Omnibus Benefits Reconciliation Act (COBRA) of 1986

50 or more, add

- EEO-1 Report filed annually w/EEOC if organization is a federal contractor
- Family and Medical Leave Act of 1993
- Mental Health Parity Act of 1996 (for employers who offer mental health benefits)
- Mental Health and Addiction Equity Act of 2008 (for employers who offer mental health benefits)
- Patient Protection and Affordable Care Act of 2010 (for employers who offer health care benefits)

100 or more, add

- Worker Adjustment and Retraining Notification Act of 1988
- EEO-1 Report filed annually w/EEOC if organization is not a federal contractor. (See above)

Federal Contractors, add

- Executive Order 11246 of 1965
- Vocational Rehabilitation Act of 1973
- Drug Free Workplace Act of 1988
- Vietnam-Era Veterans Readjustment Act of 1974
- Davis Bacon Act of 1931
- Copeland Act of 1934
- Walsh-Healy Act of 1936
- Service Contract Act (1965)
- Contract Work Hours and Safety Standards Act (CWHSSA)

EEO-1: Who Must File

Standard Form 100 (EEO-1) must be filed by --

All private employers who are:

subject to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) with 100 or more employees EXCLUDING State and local

governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private membership clubs other than labor organizations;

OR

subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise, and the entire enterprise employs a total of 100 or more employees.

All federal contractors (private employers), who:
are not exempt as provided for by 41 CFR 60-1.5,
have 50 or more employees, and
are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or
serve as a depository of Government funds in any amount, or
is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Notes. Only those establishments located in the District of Columbia and the 50 states are required to submit Standard Form 100. No reports should be filed for establishments in Puerto Rico, the Virgin Islands or other American Protectorates.

Adapted from SHRM Knowledge Center materials.

B. Resources, provided by *Strategies for Human Resources*

OFCCP's Guide for Small Businesses: <http://www.dol.gov/ofccp/TAGuides/sbguide.htm>

Department of Labor's laws and guidance: <http://www.dol.gov/opa/aboutdol/lawsprog.htm>

EEO categories for reporting and AAPs:

<http://www.eeoc.gov/employers/eeo1survey/upload/jobclassguide.pdf>

DOL's Sample Affirmative Action Plan:

<http://www.dol.gov/ofccp/regs/compliance/pdf/sampleaap.pdf>

OFCCP's Compliance Assistance page: <http://www.dol.gov/ofccp/regs/compliance/ofcccomp.htm>

Service Contract Act compliance assistance: <http://www.dol.gov/whd/govcontracts/sca.htm>

Uniformed Services Rights and Reemployment Compliance Assistance:

<http://www.dol.gov/elaws/userra.htm>

Federal Law Posters: <http://www.dol.gov/oasam/boc/osdbu/sbrefa/poster/matrix.htm>

IRS Guide on Employees or Independent Contractors: <http://www.irs.gov/pub/irs-pdf/p15a.pdf>

Use of Arrest and Conviction Records in Employment:

http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

Accommodating and Supporting People with Disabilities: <http://askjan.org/>

HR Management in Small Business articles: <http://www.shrinsight.com/articles/>

And do not forget all the resources available from the Small Business Administration and here at the Alexandria SBDC!