

The 10 employment laws every manager should know

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Overtime pay. Discrimination. Family leave. Harassment ...

Federal employment laws govern all of these issues – and many more – that you deal with at some point in your career. It's important for supervisors and managers to know the basics of how to comply with those laws. Here's a list of the top 10 most important federal employment laws:

1. Job discrimination. Title VII of the Civil Rights Act of 1964 prohibits you from discriminating in hiring, firing or pay based on a person's race, religion, sex or national origin. It also prohibits sexual harassment. (Resource: www.eeoc.gov)

Action: Treat all employees and applicants equally, without regard to their race, religion, gender or any other characteristics not related to job performance. Demand the same from anyone you supervise and don't tolerate any kind of harassment.

2. Overtime/minimum wage. The Fair Labor Standards Act (FLSA) is the nation's main wage law. It sets the federal minimum wage (many states have higher minimums) and requires time-and-a-half overtime pay for hourly employees who work more than 40 hours in a workweek. The FLSA also limits the hours and type of duties that teens can work. (Resource: www.dol.gov/dol/topic/wages)

Action: Always pay employees above the minimum wage and pay overtime when applicable. Contact HR when making major changes to employees' duties, which could make the employee eligible or ineligible for overtime pay.

3. Family leave. The Family and Medical Leave Act (FMLA) says eligible employees – those with at least a year of service – can take up to 12 weeks per year of unpaid, job-protected time off for the birth of a child or adoption of a child or to care for themselves or a sick child, spouse or parent who has a "serious" health condition. The FMLA applies to organizations with 50 or more employees. (Resource: www.dol.gov/whd/fmla)

Action: When employees request leave, listen for requests that would meet the FMLA criteria. Employees don't need to use the words "FMLA leave" to gain protection under the law. Contact HR when hearing such requests.

4. Age discrimination. The Age Discrimination in Employment Act says you can't discriminate in any way against applicants or employees older than 40 because of their age. (Resource: www.eeoc.gov/laws/types/age.cfm)

Action: Never take a person's age or proximity to retirement into account when making decisions on hiring, firing, pay, benefits or promotions.

5. Disability discrimination. The Americans with Disabilities Act (ADA) prohibits job discrimination against

qualified people with disabilities (i.e., those who can perform the job's essential functions with or without a reasonable accommodation). (Resource: www.eeoc.gov/laws/types/disability.cfm)

Action: Never immediately reject applicants because you think their disability would prevent them from doing the job. When hiring, stick to questions about the applicant's ability to perform the job's essential functions; don't ask questions that would reveal an applicant's disability. Work with HR to help create reasonable accommodations for disabled employees.

6. Military leave. The Uniformed Services Employment and Reemployment Rights Act (USERRA) makes it illegal to discriminate against employees who volunteer or are called to military duty. When reservists return from active duty tours of less than five years, you must reemploy them to their old jobs or to equal jobs. (Resource: www.esgr.org/site/USERRA/FAQ.aspx)

Action: Don't challenge a returning reservist's bid to get his old job back; courts typically side with employees in USERRA disputes.

7. Gender-pay differences. The Equal Pay Act (EPA) says employers can't pay female employees less than male employees for equal work on jobs that require equal skill, effort and responsibility. (Resource: www.eeoc.gov/laws/types/sex.cfm.)

Action: Review department pay scales to identify possible equal-pay complaints. Different pay for the same job title is fine as long as you can point to varying levels of responsibility, duties, skill requirements or education requirements.

8. Workplace safety. The Occupational Safety and Health Act (OSHA) requires employers to run a business free from recognized hazards. (Resource: www.osha.gov)

Action: Provide a safe work environment for your staff, and point out any noticeable hazards or potential safety problems as soon as possible.

9. Pregnancy discrimination. The Pregnancy Discrimination Act (PDA) prohibits job discrimination on the basis of "pregnancy, childbirth and related medical conditions." You can't deny a job or promotion merely because an employee is pregnant or had an abortion. She can't be fired for her condition or forced to go on leave. (Resource: www.eeoc.gov/laws/types/pregnancy.cfm)

Action: Treat pregnant employees the same as other employees on the basis of their ability or inability to work. Example: If you provide light duty for an employee who can't lift boxes because of a bad back, you must make similar arrangements for a pregnant employee.

10. Immigration. The Immigration Reform and Control Act (IRCA) makes it illegal to hire and employ illegal aliens. Employers must verify identification and workplace eligibility for all hires by completing I-9 Forms. (Resource: www.uscis.gov)

Action: Managers should note that it's still illegal to discriminate against illegal aliens – via harassment or subminimum pay – even if the illegal immigrant is hired inadvertently.