

Four Federal Employment Laws All Employers Should Know

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Fair Labor Standards Act (FLSA)

The FLSA applies to employers of all sizes and requires that they pay their employees at least minimum wage for all time the employees spend working. "Nonexempt" employees are also entitled to overtime pay – 1.5 times their normal hourly rate – for any hours over 40 worked in a workweek. Employers should familiarize themselves with the FLSA's classifications regarding "exempt" and "nonexempt" employees and what constitutes "work" for which employees must be compensated.

Title VII of the Civil Rights Act of 1964 (Title VII)

Title VII prohibits employers (those with 15+ employees) from discriminating against employees or job applicants because of the employee/applicant's race, color, religion, sex, or national origin. Following the Supreme Court's decision in 2020 (Bostock v. Clayton County), Title VII now also prohibits discrimination because of an employee's sexual orientation or gender identity. Don't consider yourself off the hook if you have less than 15 employees – many states, including Ohio, have similar anti-discrimination laws that apply to smaller employers.

Family Medical Leave Act (FMLA)

One of the more complicated and easy-to-get-wrong employment laws, the FMLA entitles eligible employees to take up to 12 weeks of unpaid leave, per year, to take care of themselves or a close family member with a serious health condition. The FMLA also protects the job status of employees while on leave. To qualify for FMLA leave, the employer must have at least 50 employees, and the employee must have worked for the employer for at least 12 months and at least 1,250 hours during those 12 months. Employers should familiarize themselves with the forms and critical notices that they

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are required to provide to employees under the FMLA.

Americans with Disabilities Act (ADA)

Like Title VII, the ADA applies to any employer with 15 or more employees and prohibits employers from discriminating against qualified individuals with disabilities. Under the ADA, employers are required to provide "reasonable accommodations" for disabled employees that would allow the employee to perform their essential job functions and enjoy the same employment opportunities as non-disabled employees, provided the requested accommodation does not impose an "undue hardship." To determine whether a reasonable accommodation can be provided, employers should engage in an interactive process with the employee seeking the accommodation.

Questions? Contact Steve Tolbert or any member of Frost Brown Todd's Labor & Employment practice.

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