**Compliance by Employee Number FAQ**

**Basic Compliance by Employee Number**

While all companies have certain legal requirements, they vary by company size and by federal contractor status.  Certain industries and governmental entities may have other legal obligations. Generally, forms and tools are included to assist members in complying.

**1.What are my responsibilities as an employer based on my employee number?**

**1+ Employees:**

* Create legally compliant application, background check and drug test releases.
* Classify employees correctly, corresponding to job descriptions (exempt/non-exempt).
* Have a basic orientation with handbook receipt/check-off sheet.
* Set up a legal employee file (separate medical, payroll and I-9 files)
* I-9 Forms: Make sure you complete on-time and legally
* Federal and State Tax Forms: Best to complete on day one.
* Benefits: Understand NC continuation coverage for employees losing benefits eligibility and the requirement to provide Summary Plan Descriptions and Summary of Benefits and Coverage, as well as reporting cost of coverage on W-2 and termination letter related to benefits.
* Report ALL New Hires for Child Support Enforcement via NC New Hire Reporting
* Pay Unemployment Taxes and Respond to Claims (some exceptions based on industry)
* Basic Termination Paperwork: Will provide unemployment and claim defense.
* Safety: Meet basic OSHA requirements (hospitalization/fatal incident reporting), etc.

**3-4+ Employees:  Follow all of the above requirements, plus:**

* 3 employees: ***Workers Compensation Insurance is required***.
* 4 employees: Citizenship and National Origin discrimination (IRCA) – continue best practices related to applications and I-9’s.
* 4 employees: ***Unemployment taxes and claims response (non-profit)***

**10+ Employees:  Follow all of the above requirements, plus:**

* ***Track injuries and record/track OSHA logs.***(See additional information in the section of the HR Essentials Guide that covers injuries.)

**15+ Employees:  Follow all of the above requirements, plus:**

* Non-discrimination (race, gender, national origin, religion, color) – Title VII
  + Continue best practices and review handbook/consider harassment/diversity training.
* Genetic information non-discrimination (GINA)
  + Do not solicit information/ensure no benefits/other discrimination.
* ***Accommodation for those with disabling conditions (ADA)***
  + Understand the Americans with Disabilities Act and its requirements including accommodation, including leave.
  + 2023 PUMP Act - Expands FLSA provisions to provide reasonable time to express breast milk, expanding ADA 2010 regulations to all employees for one year from birth of the child.
  + 2023 Pregnant Workers Fairness Act - Employers must treat pregnancy and childbirth related accommodations under the same framework as ADA

**20+ Employees:  Follow all of the above requirements, plus:**

* Age discrimination prohibited (ADEA)
  + Review application, job description and other practices
* ***Provide COBRA coverage to employees losing health insurance*** (not church/government plans)
  + Provide required COBRA notifications (work with broker/carrier)

**25+ Employees:  Follow all of the above requirements, plus:**

* ***E-Verify (NC)***
  + E-Verify all new hires within 3 days, and follow E-Verify requirements.

**50+ Employees:  Follow all of the above requirements, plus:**

* ***Family Medical Leave (FMLA)*** - offer protected leave to eligible employees with return to same or equivalent position and continuation of benefits.
* Requirements under the ***Affordable Care Ac***t - Talk to your broker related to tax implications, coverage/eligibility requirements.
* Review leave policies with your broker to make sure they play well together.  FMLA, Work Comp, ADA Leave, STD, LTD, ACA, PTO policy and benefit plan description.

**100+ Employees:  Follow all of the above requirements, plus:**

* Advance notifications required for certain lay-offs (WARN Act).
* ***EEO-1 Reporting requirement***s for certain employers.

**Federal Contractor or Subcontractor: In addition to the guidelines related to your company size, if even one location of your company is covered as a contractor, make sure your entire company also:**

* (If contracts over $50,000) - Establish an Affirmative Action Plan.
* (If contracts over $100,000) - Complete the VETS-4212 annually.
* Post all job openings if required under VEVRAA.
* Post EO tab line and accessibility statement on job postings.