

# CALIFORNIA LABOR LAWS BY EMPLOYEE COUNT

Many employment law statutes only apply to businesses with a certain minimum number of employees. The minimum number can vary depending on the statute.

**Note:** Exceptions or additional regulations may apply to certain businesses. The following list is intended to reflect some of the primary employment laws that apply broadly.

## ONE OR MORE EMPLOYEES

- The wage and hour provisions of the California Labor Code
  - **Note:** The Federal Fair Labor Standards Act (FLSA) and Equal Pay Act generally apply to any business with even one employee)
- The prohibitions against sexual harassment in the Fair Employment and Housing Act (FEHA)
- The National Labor Relations Act (NLRA), which governs collective bargaining and relationships with unions
- The California Unemployment Insurance Code provides for up to six weeks of paid family temporary disability insurance leave and applies to any business with one or more employees
- California Occupational Safety and Health Act (Cal-OSHA) of 1973 and Title 8 of the California Code of Regulations addressing workplace health and safety concerns for workers
- Workers' Compensation Coverage
- Immigration and Child Labor Laws
- California State Disability Insurance (SDI)
- Paid Family Leave (PFL)
- Paid Sick Leave
- School Visitation Leave (disciplinary events only)
- Crime Victims Leave (felonies)
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Voting Leave
- Jury Duty Leave
- Limited Domestic Violence/Stalking Leave
- Federal and State Drug Free Workplace (if contractor or grantee of state or federal funds)
- Volunteer Emergency Responder Leave

## TWO TO NINETEEN EMPLOYEES

- California Health & Safety Code Section 1366.21 (Cal-COBRA)

## FIVE OR MORE EMPLOYEES

- The FEHA's anti-discrimination provisions apply to employers regularly employing 5 or more employees on their payrolls, including part-time employees
- Pregnancy Disability Leave (PDL)

**FIFTEEN OR MORE EMPLOYEES**

- Title VII of the Civil Rights Act (the federal anti-discrimination law) applies to employers of 15 or more employees for each working day in each of 20 or more calendar weeks for the current or preceding year
- The federal Americans with Disabilities Act (ADA) applies to employers of 15 or more employees for each working day in each of 20 or more calendar weeks for the current or preceding year
- Bone Marrow Donation Leave
- Organ Donation Leave
- Civil Air Patrol Leave

**TWENTY OR MORE EMPLOYEES**

- Federal Age Discrimination in Employment Act (ADEA)
- Federal Consolidated Omnibus Budget Reconciliation Act (COBRA)
- New Parent Leave Act

**TWENTY-FIVE OR MORE EMPLOYEES**

- Time Off for Child's School Activity
- Extended Leave for Domestic Violence or Sexual Assault Victims
- Illiteracy Accommodation
- Rehabilitation Leave (for Drug or Alcohol rehabilitation)
- Family Military Leave

**FIFTY OR MORE EMPLOYEES**

- The California Family Rights Act (CFRA) and the Family and Medical Leave Act (FMLA) apply to employers of 50 or more persons within a 75-mile radius for each working day of a 20 day calendar period for the current or previous year. Part-time employees and those on paid or unpaid leave are counted when determining whether an employer is subject to this act
- California Government Code Section 12950.1 applies to employers with 50 or more employees and requires the provision of sexual harassment prevention training to all supervisors once every two years
- Affirmative Action Programs (Federal government contractors)

**SEVENTY-FIVE OR MORE EMPLOYEES**

- The California Worker Adjustment Retraining and Notification Act applies to employers of 75 or more employees who have been employed for at least six months of the preceding 12 months

**ONE HUNDRED OR MORE EMPLOYEES**

- The federal Worker Adjustment Retraining and Notification Act (WARN) applies to employers who employ either 1) 100 or more employees excluding part-time employees, or 2) 100 or more employees who combine to work for 4,000 hours per week exclusive of overtime