

# QUICK GUIDE TO SIGNIFICANT EMPLOYMENT LAWS

## FEDERAL LAWS

(Updated March 2023)

01

### TITLE VII

**Coverage:** 15+ Employees

**Protects:** race, color, national origin, sex, religion and related accommodation, pregnancy, genetic information; retaliation; reasonable accommodation requirement for religion sexual orientation and gender identity.

**Administrative agency:** EEOC & FCHR

**Time:** 180 days / 300 days (charge); 90 days after right to sue notice (lawsuit)

**Damages:** back pay with interest, compensatory damages (including emotional distress), punitive damages, front pay or reinstatement, attorney's fees

Damage caps based on number of employees:

15-100 employees	\$50,000
101-200 employees	\$100,000
201-500 employees	\$200,000
500+ employees	\$300,000

02

### AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

**Coverage:** 20+ employees

**Protects:** 40 years old and older; retaliation

**Administrative agency:** EEOC & FCHR

**Time:** 180 days / 300 days (charge); 60 days after charge filed, but no later than 90 days after charge filed (lawsuit)

**Damages:** back pay, front pay or reinstatement, liquidated (double) damages, attorney's fees; no emotional distress or punitive damages

03

### AMERICANS WITH DISABILITIES ACT (ADA)

**Coverage:** 15+ employees

**Protects:** actual, perceived, record of disability; retaliation; reasonable accommodation required for actual disability

**Administrative agency:** EEOC & FCHR

**Time:** 180 days / 300 days (charge)

**Damages:** back pay, compensatory (including emotional distress), punitive damages, front pay, attorney's fees

04

## SECTION 1981

**Coverage:** All employers of any size

**Protects:** intentional discrimination based on race, color, ethnicity, and national origin; retaliation

**Administrative agency:** None

**Time:** 4 years (lawsuit)

**Damages:** back pay, compensatory damages (including emotional distress), punitive damages, front pay, attorney's fees (no caps on)

05

## EQUAL PAY ACT (EPA)

**Coverage:** 12+ employees (additional requirements but most employees are covered)

**Protects:** gender (pay differentials); retaliation

**Administrative agency:** None

**Time:** 2 years / 3 years if willful (lawsuit)

**Damages:** pay raise, back pay, liquidated (double) damages, attorney's fees

06

## FAMILY AND MEDICAL LEAVE ACT (FMLA)

**Coverage:** 50+ employees within 75 miles of worksite for 20 weeks (employees must have 12 months, 1,250 hours)

**Protects:** employers must grant 12 weeks leave for serious medical condition of employee, his spouse, parent or child; birth adoption, or foster care of child; job protection and retaliation

**Administrative agency:** DOL – Wage and Hour Division

**Time:** 2 years / 3 years if willful (lawsuit)

**Damages:** back pay, front pay, liquidated (double) damages, attorney's fees; no emotional distress or punitive damages

07

## FAIR LABOR STANDARDS ACT

**Coverage:** 1+ employee (additional requirements but most employees are covered)

**Protects:** minimum wage, overtime (time and a half); retaliation

Federal minimum wage is \$7.25/hour, effective July 24th, 2009, with a minimum wage of \$2.13/hour for tipped employees, in addition to tips

**Administrative agency:** DOL

**Time:** 2 years / 3 years if willful (lawsuit)

**Damages:** back pay, liquidated (double) damages, attorney's fees

Certain exemptions may apply (e.g., executive, administrative, professional, computer, outside sales employees)

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