

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Use the table below as a quick, one-page reference for the major federal and Massachusetts employment laws and posting requirements that apply to Companies with 15 or fewer employees. For more information about a law, go to the page number listed in the column titled “Page in Summary.”

Number of Employees	Federal Laws			Massachusetts Laws		
	Law	✓ Poster Required	Page in Summary	Law	✓ Poster Required	Page in Summary
1 or more	Employee Polygraph Protection Act (EPPA)	✓	2	MA Earned Sick Time	✓	4
	Equal Pay Act	✓	2	MA New Hire Reporting		5
	Fair Labor Standards Act (FLSA) – Federal Wage & Hour Law	✓	2	MA Paid Family & Medical Leave	✓	5
	Immigration Reform & Control Act (IRCA) and I-9 Forms		3	MA Pay Equity Act	✓	6
	Occupational Safety & Health Act (OSHA)	✓	3	MA Personnel Records Law		6
	Uniform Guidelines for Employment Selection Procedures		4	MA Wage & Hour Laws	✓	6
	Uniformed Services Employment and Reemployment Rights Act (USERRA)	✓	4	Unemployment Insurance Coverage Notification Requirements	✓	9
				Workers’ Compensation Notice to Employees	✓	9
2 but less than 20				MA Mini COBRA Law		9
6 or more				MA Fair Employment Laws	✓	10
				MA Parental Leave	✓	11
				MA Pregnancy Workers Fairness Act		11
11 or more	Occupational Safety & Health Act (OSHA) Recordkeeping Requirements	✓	12			
15 or more	Americans with Disabilities Act (ADA)	✓	12			
	Genetic Information Nondiscrimination Act (GINA)	✓	13			
	Title VII of the Civil Rights Act of 1964	✓	13			

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
The following federal and Massachusetts laws apply to employers with 1+ employees					
<i>Federal Laws</i>					
Employee Polygraph Protection Act (EPPA)	EPPA prohibits most private employers from using lie detector tests for pre-employment screening or while employed.	1+ employees (not applicable to public employers)	Department of Labor (DOL)	https://www.dol.gov/whd/polygraph/ To download poster: https://www.dol.gov/whd/regs/compliance/posters/eppac.pdf	29 USC Ch. 22, §2002
Equal Pay Act (EPA)	The EPA prohibits gender-based discrimination in the payment of wages. Under the EPA, men and women must be paid equally for substantially equal work performed in the same establishment. All forms of compensation are included (i.e., salary, bonuses, vacation and holiday pay, and other benefits). However, the law allows for pay differentials when individuals are evaluated based on criteria such as seniority, production levels, and merit.	1+ employees	EEOC	https://www.eeoc.gov/eeoc/publications/fs-epa.cfm To download poster: https://www.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf	29 USC §206(d)
Fair Labor Standards Act (FLSA) – Federal Wage & Hour Law	Minimum Wage - All employees must be paid the basic minimum wage rate unless an exception applies. - The current federal minimum wage rate is \$7.25 per hour (effective July 24, 2009). Many states, including Massachusetts, have laws that set the minimum wage higher than the federal law. In such cases, an employee must be paid at least the higher rate of the two. Overtime - Unless an employee is exempt from the overtime requirements, an employee must be paid overtime for all hours worked over 40 in a work week.	1+ employees	DOL, Wage & Hour Division	https://www.dol.gov/whd/ To download poster: https://www.dol.gov/whd/regs/compliance/posters/flsa.htm .	29 USC, Ch. 8, §201-219

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	In general, the overtime rate is one and one-half times the regular rate of pay for all hours worked over than 40 hours. Meal Breaks In general, the FLSA does not require breaks or meal periods be given to workers. However, all employers must give nursing mothers break time to express breast milk. If short breaks (up to 20 minutes) are offered, employees must be paid for the time on break. However, if an employee takes a bona fide meal period (typically 30 minutes or more), employees need not be paid for the meal period. Note: This requirement does not preempt State laws that provide greater protections to employees.				
Immigration Reform & Control Act (IRCA) and I-9 Forms	Under IRCA, a Form I-9 must be completed for every new hire within three business days of date of hire. An employee must provide certain documentation so that the employer can verify an employee's identity and authorization to work in the U.S. For rehires, an employer must verify identity and authorization to work in the U.S. if it has been more than three years since the rehire last completed a Form I-9 for the employer or if the employee's completed Form I-9 on file is no longer valid. Form I-9s should be maintained in a separate file from the employee file.	1+ employees	Department of Homeland Security, Citizenship & Immigration Services (USCIS)	https://www.uscis.gov/i-9	8 USC §1101
Occupational Safety & Health Act (OSHA)	OSHA requires employers to follow federal standards for safe employment conditions, hazard communications, and personal protective equipment. An employer's responsibilities include: - Providing a workplace free from serious hazards - Examining workplace conditions to ensure they conform to OSHA standards - Making sure employees have and use safe tools and equipment and properly maintain the equipment - Using color codes, posters, labels, or signs to warn employees of potential hazards - Providing safety training	1+ employee	DOL, OSHA	https://www.osha.gov/ To download poster: https://www.osha.gov/Publications/osh3165.pdf	29 USC § 651-678; 29 USC 657(c); 29 CFR 1903.2

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	- If any hazardous chemicals in the workplace, developing and implementing a written hazard communication program and train employees - Keeping records of work-related injuries and illnesses				
Uniform Guidelines for Employment Selection Procedures	Employers who wish to use employment tests for hiring and other decisions are barred from using tests and other selection procedures that discriminate based on race, color, gender, national origin, religion, disability, or age (40 or older). The Uniform Guidelines provide for the proper use of employment testing, appropriate means of validating selection procedures, acceptable methods of establishing and implementing cutoff scores (or pass points) on selection procedures, and the documentation of validity for selection procedures.	1+ employees	Equal Employment Opportunity Commission (EEOC)	https://www.eeoc.gov/policy/docs/factemployment_procedures.html	29 CFR Part 1607 – Uniform Guidelines for Employment Selection Procedures (1978)
Uniformed Services Employment and Reemployment Rights Act (USERRA)	USERRA prohibits discrimination based on past or current military service or the intent to serve regarding employment, reemployment, retention in employment, promotion, or any benefits of employment. Employee rights include reemployment rights under certain conditions.	1+ employees	Veterans' Employment & Training Services (VETS)	http://www.dol.gov/vets/programs/userra/ To download poster: https://www.dol.gov/vets/programs/userra/USERRA_Private.pdf	38 USC 4301-4335
<i>Massachusetts Laws</i>					
MA Earned Sick Time	Massachusetts employees have the right to earn and use up to 40 hours of job-protected sick time per year. Employees must earn at least one hour of earned sick time for every 30 hours worked. Employees must begin accruing sick time from first day of work and may begin using earned sick time 90 days after starting work. Sick time may be used for an employee's own illness or medical appointment, or for a child's, spouse's, parent's, or parent-in-law's illness or medical appointment, or to address domestic violence. Employees must notify their employer before using sick time except in the case of an emergency. If an employee is absent for three or more consecutive days, an employer may require documentation	1+ employees	Office of Attorney General	http://www.mass.gov/ago/earnedsicktime To download poster: https://www.mass.gov/files/documents/2016/08/pn/est-employee-notice.pdf	MGL Ch. 149 §148C

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	from a medical provider. For employers with 11 or more employees, sick time must be paid. For employers with fewer employees, sick time may be unpaid.				
MA New Hire Reporting	Federal law requires all states to follow their own state's new hire reporting law. In Massachusetts, all employers must report newly hired employees, including seasonal employees, and independent contractors to the state within 14 days of hire. Employers must report rehired or reinstated seasonal employees within 14 days after a lapse in employment of 30 calendar days or more. Employers may report new hires, rehires, and independent contractors online through MassTaxConnect. Employers with fewer than 25 employees also have the option of reporting by mail or fax. The new hire reporting requirements were put in place to help the state collect employment information about employees and independent contractors who have orders to pay child support.	1+ employees	MA Department of Revenue	https://www.mass.gov/how-to/report-new-hires To download form: https://www.mass.gov/files/documents/2016/08/pw/nhr.pdf	Ch. 830 of the Code of MA Regulations
MA Paid Family & Medical Leave (MA PFML)	Under the MA PFML law, covered individuals will be able to take qualifying, job protected, paid medical leave for up to 20 weeks for their own illness and up to 12 weeks for family leave to bond with a child during their first 12 months after birth or placement for adoption or foster care or to handle any qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call or order to active duty. The maximum family and medical leave combined is 26 weeks per year. The program, including eligibility for benefits, is administered by the MA Department of Family and Medical Leave and funded through employer and employee contributions to a trust fund. Contributions from employees must be withheld from paychecks starting October 1, 2019. Employers must submit contributions quarterly starting January 2020, although employers with fewer than 25 employees are not required to contribute the employer share for medical leave but still must remit employees' share. Employees will not be eligible to	1+ employees	MA Department of Family and Medical Leave	https://www.mass.gov/guides/a-guide-to-paid-family-and-medical-leave-for-massachusetts-employers To download poster: https://www.mass.gov/files/documents/2019/03/21/20190321_DFML%20Notice-FINAL.pdf	M.G.L. c. 175M

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	receive paid leave benefits until January 1, 2021. Employers must comply with notice requirements as of September 30, 2019.				
MA Pay Equity Act	This law prohibits gender-based discrimination in pay. Employers may not pay less based on gender than paid to the opposite sex who performs the same or comparable work. In August of 2016, Governor Baker signed into law landmark amendments to the Massachusetts equal pay law to narrow the gender pay gap. The amendments, effective 7/1/2018, require equal pay for comparable work (unless meet one of the narrow exceptions), bar employers from asking job applicants and their current and former employers their salary history; and bar employers from prohibiting employees from disclosing or discussing compensation.	1+ employees	MA Office of Attorney General	https://www.mass.gov/service-details/learn-more-details-about-the-massachusetts-equal-pay-act	M.G.L. c. 149 § 105A
MA Personnel Records Law	Employers generally maintain personnel records for all employees. Under this law, employees have to right to review their record or receive a copy of it within 5 business days of making a written request. Reviews must take place at the place of employment and during normal business hours. Employers are required to notify an employee within 10 days of placing any information in their file that has a negative impact concerning employment and pay. In addition, employers are not required to allow an employee to review their record more than twice in a calendar year, provided that reviewing files because of negative information is not counted. Employers with 20 or more employees to maintain personnel files for three years after termination of employment.	1+ employees	MA Office of Attorney General	https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/ChapterI49/Section52C	MGL Ch. 149, §52C
MA Wage & Hour Laws	Minimum Wage All employees must be paid the minimum wage rate except: • Agricultural workers (who must be paid a minimum of \$8/hour) • Members of a religious order • Workers being trained in certain educational, nonprofit, or religious organizations • Outside salespeople	1+ employees	Office of Attorney General	https://www.mass.gov/wage-and-hour-laws To download poster: https://www.mass.gov/files/documents/2018/10/25/WH_Poster_Oct2018_ENG.pdf	Minimum Wage: MGL Ch. 151, §1 and 2; 454 CMR 27.04; MGL Ch. 149, §26-27H

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	Effective 1/1/2019, the minimum wage rate is \$12.00. The minimum wage will increase 1/1/2020 to \$12.75; 1/1/2021 to \$13.50; 1/1/2022 to \$14.25; and 1/1/2023 to \$15.00. The current minimum wage for tip workers \$4.35. The minimum wage will increase 1/1/2020 to \$4.95; 1/1/2021 to \$5.55; 1/1/2022 to \$6.15; and 1/1/2023 to \$6.75. Overtime Unless an employee is exempt from the overtime requirements (e.g., exempt under one of the white-collar exemptions), an employee must be paid overtime for all hours worked over 40 during a work week. In general, the overtime rate is one and one-half times the regular hourly rate of pay for all hours worked over 40 hours. Hours worked mean all hours an employee must be on duty at the employer's worksite or other location and all hours worked before or after the normal shift to complete the work. Payment of Wages In general, pay for all hours worked, including tips, earned vacation pay, holiday pay, and commissions must be paid within six days of the end of the pay period during which the wages were earned. Employees employed seven days in a calendar week and casual employees must be paid within seven days of the end of the pay period. An employee who resigns must be paid in full on the following regular pay day. An employee who involuntarily terminates employment must be paid in full the day of discharge, including earned but unused vacation or PTO. Employees paid on an hourly basis must be paid weekly or biweekly. Employers must provide employees with a pay statement with each paycheck that includes the number of hours worked during the pay period, pay rate, and deductions. Tips				Overtime: MGL Ch. 151, §1A and 1B; 454 CMR 27.02 Payment of Wages: MGL Ch. 149, §148; 454 CMR 27.02; MGL Ch. 149, §148

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	For tip pooling, no employee other than wait staff, service employees, or service bartenders may receive tips from the pool. Total tips or service charges must be paid to wait staff, service employees, and service bartenders in proportion to the services they provide. Management employees and owners may not receive any portion of employees' tips. Pay Deductions Employers cannot deduct money from an employee's pay except when permitted by law (e.g., state and federal income taxes), or when an employee asks for a deduction to be made (e.g., for a savings account). In addition, employers cannot take deductions for an employer's ordinary business costs (e.g., supplies, materials, or tools). Employers who require an employee to buy or rent a uniform must refund the actual costs to the employee. In addition, the amount that an employer can deduct for housing and meals is limited. Meal Breaks Employees who work for a period of more than six hours are entitled to a 30-minute meal break, during which they must be relieved of all duties. If relieved of all duties, the meal break is unpaid. An employee must be paid for the meal break if the employee voluntarily agrees to waive the break by working through it or if the employee agrees to remain on the premises during the break. The meal breaks requirements do not apply to certain employers (e.g., print works and glass works) and exemptions may be granted for special circumstances. Child Labor Minors under age 18 must have employment permits for each job. Employers must maintain permits at the sites where minors are working. There are restrictions on dangerous jobs and tasks that				Tips: MGL Ch. 149, §152A; MGL Ch. 151, §7 Pay Deductions: MGL Ch. 149, §148; 454 CMR 27.05 Meal Breaks: MGL Ch. 149, §100 and 101 Child Labor: MGL Ch. 149, §56-105

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	minors under age 18 can do based on age. In addition, there are time and scheduling restrictions for minors under age 18 based on age. Time and hour restrictions that minors may work, and hazardous occupation restrictions also apply along with supervision requirements. Payroll Records Employers must maintain accurate payroll records and retain them for a minimum of three years. In addition, employees have the right to inspect their own payroll records at reasonable times and places.				Payroll Records: MGL Ch. 151, §15
Unemployment Insurance Coverage Notification Requirements	Employers must meet three notification requirements regarding unemployment insurance: (1) Post a copy of the Department of Unemployment Assistance (DUA) poster regarding employees' rights to file for unemployment insurance in a conspicuous place that is accessible to employees; (2) Provide employees separated from work for seven or more days a copy of the DUA notice on filing for unemployment insurance benefits, which includes the employer name, address, and DUA employer account number; and (3) Notify the DUA 48 hours in advance of a mass separation of employees, which is defined as 10 or more workers who will be laid off for seven or more days.	1+ employees	MA Department of Unemployment Assistance	https://www.mass.gov/files/documents/2018/04/05/Employer%20Handbook_4-2-18_2.pdf To download poster: https://www.mass.gov/files/documents/2016/08/nz/2553a-508.pdf	MGL Ch. 151A §62A
Workers' Compensation Notice to Employees	Employers must post a notice that they have provided for injured workers. The notice must also include the name of the workers' compensation insurer and other information.	1+ employees	Department of Industrial Accident	https://www.mass.gov/workers-compensation-for-employers To download poster: https://www.mass.gov/files/documents/2016/11/wo/f-er-poster-english.pdf	MGL Ch. 152, §21,22 & 30

In addition to the above laws, the following applies to employers with at least 2 employees but fewer than 20

Massachusetts Law

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
MA Mini COBRA Law	This law requires small businesses with fewer than 20 employees to offer COBRA-like continuation health plan coverage to employees who lose coverage under the employer's plan because of certain qualifying events. The MA mini COBRA law mirrors the federal COBRA law that applies to employers with 20 or more employees.	Employers providing group health plan coverage who have at least 2 employees and fewer than 20	MA Office of Consumer Affairs & Business Regulation	http://www.mass.gov/ocabr/insurance/health-insurance/consumer-guides/minicobra.html#QBQE	MGL Ch. 176J, §9
In addition to the above laws, the following apply to employers with 6+ employees					
<i>Massachusetts Laws</i>					
MA Fair Employment Laws	• General Discrimination: Employers are barred from discriminating against applicants and employees based on race, color, religion, national origin (including unlawful language proficiency requirements), age (40 and older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service is prohibited with respect to hiring, promotion, discharge, compensation, benefits, training, classification, and other aspects of employment. Religious discrimination includes failure to reasonably accommodate an employee's religious practices that do not impose an undue hardship. • Sexual Harassment: Sexual harassment is prohibited, including sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when made explicitly or implicitly as a term or condition of employment or as a basis for employment decisions (e.g., promotion) or when the requests or behavior unreasonably interfere with a person's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment. In addition, this law prohibits harassment based on the protected classes listed in the first bullet above. Employers must adopt a sexual harassment policy and provide the policy to employees annually and to new hires at time of hire. In addition, this law encourages employers to provide sexual harassment training.	• In general, 6+ employees • 1+ employee with respect to domestic worker discrimination	Massachusetts Commission Against Discrimination (MCAD)	https://www.mass.gov/orgs/massachusetts-commission-against-discrimination To download poster: https://www.mass.gov/files/documents/2016/08/vv/fairemploymentlawposter_0.pdf	MGL Ch. 151B

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	• Disability Discrimination: Discrimination based on disability, a record of disability, or perceived disability with respect to hiring, promotion, discharge, compensation, benefits, training, classification, and other aspects of employment is prohibited. Disability discrimination includes failure to reasonably accommodate an otherwise qualified person with a disability. • Domestic Workers Discrimination: Discrimination based on the protected classes listed in the first bullet above and sexual harassment against domestic workers is prohibited. In general, domestic workers are those paid to perform domestic work within a household on a regular basis (e.g., housekeeping, caretaking, and nanny services). In addition, domestic workers are entitled to parental leave. • Criminal History Inquiries: Employers are barred from asking applicants on an initial employment application for any criminal background information unless exempt by law or a regulation exists. • Mental Health Facility Admission Inquiries: Employers cannot refuse to hire or terminate an employee for failing to furnish information regarding an admission for mental health treatment. • Retaliation: Retaliation against any person because he or she has opposed any discriminatory practices or filed a complaint, testified, or assisted in any proceeding before MCAD is illegal.				
MA Parental Leave	Employers must grant employees (male and female) eight weeks of paid or unpaid leave for the birth of a child, the adoption of a child under age 18 (or age 23 if child has mental or physical disability). Employees are eligible for leave after completing an initial probationary period or after three consecutive months of employment. Employees must give two weeks' notice of their anticipated date of leave and the intention to return.	6+ employees	MCAD	https://www.mass.gov/service-details/parental-leave-in-massachusetts To download poster, see MA Fair Employment Laws	MGL Ch. 149 §105D

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

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MA Pregnant Workers Fairness Act (MA PWFA)	The MA PWFA took effect April 1, 2018. This law expanded the Massachusetts' nondiscrimination laws to prohibit discrimination based on pregnancy or based on a condition related to pregnancy such as lactation. Under MA PWFA, if an employee requests a reasonable accommodation because of pregnancy or related condition, including, but not limited to, lactation or the need to express breast milk for a nursing child, an employer must do so unless it can show that the accommodation would impose an undue hardship on the employer's program, enterprise, or business. Employers notify all employees in writing of their rights under the law in a handbook, pamphlet, or other means. New hires must be notified of the law on or before date of hire. Employees who notify the employer of pregnancy or related condition must be notified of the law within 10 days of receiving the employee's notification.	6+ employees	MCAD	https://www.mass.gov/service-details/mcad-guidance-on-the-pregnant-workers-fairness-act	MGL Ch 151B, §4
In addition to the above laws, the following applies to employers with 11+ employees					
<i>Federal Law</i>					
Occupational Safety & Health Act (OSHA) Recordkeeping Requirements	Unless exempt as a low-risk industry, OSHA requires employers to maintain records of serious work-related injuries and illnesses. Records must be maintained on the worksite for at least five years and copies of the records must be provided to current and former employees if requested. Forms 300, 300A, and 301 are used for recordkeeping purposes. Employers must also report to OSHA any worker fatality within eight hours and any amputation, loss of an eye, or hospitalization within 24 hours. As of 2017, most employers will be required to electronically submit a summary of injuries and illnesses to OSHA. Also, employers must post notice of workers' rights under OSHA.	11+ employees	OSHA	https://www.osha.gov/employers/index.html To download poster: https://www.osha.gov/Publications/osa3165.pdf	29 CFR 1904
In addition to the above laws, the following apply to employers with 15+ employees					
<i>Federal Laws</i>					
Americans with Disabilities Act (ADA)	ADA prohibits discrimination in employment against a qualified individual with a mental or physical disability. Employment includes recruitment, hiring, firing, training, job assignments,	15+ employees	EEOC	https://www.eeoc.gov/eeoc/history/ada25th/thelaw.cfm	42 USC §12101

Quick Reference Tool

Summary of Major Employment Laws for Companies with 15 or Fewer Employees

Law	Summary	Employers Subject to Law	Government Agency	Website	Statute
	promotions, and pay. Employers must also provide reasonable accommodation to a qualified applicant or employee with a disability unless an employer can show that doing so would be an undue hardship to the business in terms of significant difficulty or expense.			To download poster: https://www.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf	
Genetic Information Nondiscrimination Act (GINA)	GINA prohibits employers from discriminating against employees or applicants based on genetic information. Employers cannot use genetic information in making employment decisions such as hiring, firing, pay, job assignments, promotions, and training. In addition, this law prohibits employers and other covered entities from requesting, requiring, or purchasing genetic information as well as places limits on disclosing genetic information.	15+ employees	EEOC	https://www.eeoc.gov/laws/types/genetic.cfm To download poster, see Americans with Disabilities Act	Public Law 110-233
Title VII of the Civil Rights Act of 1964	Title VII of the Civil Rights Act bars discrimination against any person based on race, color, religion, national origin, or gender including discrimination against a woman because of pregnancy, childbirth or a medical condition related to pregnancy or childbirth. In addition, the law prohibits retaliation against a person who complained about discrimination, filed a charge, or participated in an employment discrimination investigation or lawsuit. This law also requires an employer to reasonably accommodate an applicant's or employee's religious practices unless doing so would create an undue hardship on the business.	15+ employees	EEOC	https://www.eeoc.gov/laws/statutes/titlevii.cfm To download poster, see Americans with Disabilities Act	42 USC beginning at §2000e

Important Note: The intent of this Summary is to provide Massachusetts companies with 15 or fewer employees a single resource that summarizes the major federal and state employment related laws to which they may be subject. While this Summary is intended to be comprehensive, it does not cover every employment related law. Finally, this Summary is not intended to provide legal advice or opinion or be a substitute for legal advice.