



SILVER FERN

HR CONSULTING

Employment Law Threshold Guide

A Quick-Reference Guide for Growing Businesses

Know what applies to you — at every stage of growth.

Prepared by Silver Fern HR Consulting

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This guide is for informational purposes only and does not constitute legal advice. Consult with qualified legal counsel for specific compliance questions.

How to Use This Guide

As your business grows, new employment laws begin to apply. This guide organizes key federal and Washington State laws by the employee count that triggers each requirement. Use it as a quick-reference tool to understand your obligations at every stage of growth.

Each section below is organized by employee threshold. Find your current employee count, then review that section and all sections below it to see the full scope of laws that apply to your business.

At a Glance: When Laws Kick In

| Employee Threshold |
|---|
| What Kicks In |
| 1+ |
| Minimum wage, overtime, I-9 verification, OSHA, equal pay, paid sick leave, PFML premium contributions, workers' rights protections |
| 8+ |
| Washington anti-discrimination protections (WLAD) — broader than federal law |
| 11+ |
| OSHA injury/illness recordkeeping (300 logs) becomes mandatory |
| 15+ |
| Federal anti-discrimination (Title VII, ADA, GINA, PDA) and WA pay transparency requirements |
| 20+ |
| Age discrimination protections (ADEA) and COBRA health coverage continuation |

25+

Expanded WA Paid Family & Medical Leave job protection (effective 2026)

50+

FMLA leave, ACA employer mandate, and WA WARN Act layoff notice requirements

100+

Federal WARN Act layoff notice and mandatory EEO-1 demographic reporting

1+ Employees

Laws That Apply From Day One

These laws apply to virtually all employers, regardless of size. From your very first hire, these are the baseline requirements you must meet.

Federal Laws

Fair Labor Standards Act (FLSA)

Federal

Requires minimum wage (\$7.25/hr federal) and overtime pay (1.5x for hours over 40/week) for non-exempt employees. Employers must maintain accurate payroll records and follow child labor standards.

Key Action: Classify employees correctly as exempt or non-exempt and track hours worked.

Immigration Reform and Control Act (IRCA)

Federal

Requires employers to verify every employee's identity and work authorization using Form I-9, completed within 3 business days of hire.

Key Action: Maintain completed I-9 forms for all employees and keep them audit-ready.

Equal Pay Act (EPA)

Federal

Prohibits wage discrimination based on sex for employees performing substantially equal work in the same establishment.

Key Action: Review pay practices to ensure men and women in equivalent roles are compensated equally.

Occupational Safety and Health Act (OSHA)

Federal

Requires employers to provide a workplace free from recognized hazards, maintain injury/illness records, and comply with safety standards.

Key Action: Post the OSHA "It's the Law" poster and maintain a safety-conscious workplace.

Employee Polygraph Protection Act (EPPA)

Federal

Prohibits most private employers from using lie detector tests for pre-employment screening or during employment.

Key Action: Do not require or request polygraph tests except in very limited security-related circumstances.

Employee Retirement Income Security Act (ERISA)

Federal

Sets minimum standards for voluntarily established retirement and health plans in private industry to protect employees.

Key Action: If you offer benefits plans, ensure they meet ERISA reporting, disclosure, and fiduciary requirements.

National Labor Relations Act (NLRA)

Federal

Protects employees' rights to organize, join unions, bargain collectively, and engage in "concerted activity" including discussing wages and working conditions.

Key Action: Do not restrict employees from discussing pay or working conditions with each other.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Federal

Protects service members' reemployment rights and prohibits discrimination based on military service.

Key Action: Ensure employees returning from military service are restored to their prior position or an equivalent one.

Consumer Credit Protection Act (CCPA)

Federal

Limits the amount of an employee's earnings that may be garnished and prohibits termination for a single garnishment.

Key Action: Follow garnishment limits and never fire an employee solely because their wages are being garnished.

Washington State Laws

Washington Minimum Wage (RCW 49.46)

Washington State

Washington's minimum wage is \$17.13/hour in 2026, adjusted annually by CPI — significantly higher than the federal minimum.

Key Action: Pay at least the state minimum wage and review each January for annual increases.

Washington Paid Sick Leave (RCW 49.46.210)

Washington State

All employees accrue 1 hour of paid sick leave for every 40 hours worked, usable after 90 calendar days of employment. Unused leave carries over year to year.

Key Action: Track accrual and allow use for illness, safety, and — as of 2025 — immigration proceedings.

Washington Industrial Safety and Health Act (WISHA)

Washington State

Washington's state OSHA program requires safe workplaces and allows employees to report safety concerns to L&I without retaliation.

Key Action: Comply with L&I safety standards and post required workplace safety notices.

Washington Overtime Rules

Washington State

Overtime at 1.5x base rate for hours over 40/week. The 2026 exempt salary threshold is \$80,168.40/year.

Key Action: Ensure exempt employees meet both the salary threshold and duties test.

Paid Family & Medical Leave — Premium Contributions (Title 50A RCW)

Washington State

All Washington employers must report employee wages and hours and remit Paid Family & Medical Leave premiums quarterly to the Employment Security Department. The 2026 total premium rate is 1.13% of each employee's gross wages (up to the Social Security cap of \$184,500). Employees pay 71.43% of the premium; employers with 50+ employees pay the remaining 28.57%. Employers with fewer than 50 employees are exempt from the employer share but must still collect and remit the employee portion. Employers must post the mandatory PFML workplace notice and may opt for an approved voluntary plan as an alternative.

Key Action: Register with ESD, collect premiums each pay period, file quarterly reports, post the mandatory PFML notice, and update withholding rates each January.

8+ Employees

Anti-Discrimination Protections Expand

Once you reach 8 employees, Washington State's comprehensive anti-discrimination law applies — providing broader protections than federal law.

Washington State Laws

Washington Law Against Discrimination (WLAD, RCW 49.60)

Washington State

Prohibits employment discrimination based on race, creed, color, national origin, sex, marital status, sexual orientation, age, disability, military status, citizenship/immigration status, and use of a service animal. Broader than federal Title VII.

Key Action: Review hiring, promotion, and termination practices for compliance. Ensure managers receive anti-discrimination training.

11+ Employees

OSHA Recordkeeping Begins

At 11 employees, federal OSHA recordkeeping requirements become mandatory. You'll need to maintain detailed injury and illness logs.

Federal Laws

OSHA Recordkeeping Requirements

Federal

Employers with 11+ employees must maintain OSHA 300 logs recording work-related injuries and illnesses, post the annual summary (Form 300A), and submit electronic reports.

Key Action: Designate someone to maintain injury/illness logs and post the annual summary from February 1 through April 30.

15+ Employees

Major Federal Anti-Discrimination Laws Apply

This is a significant threshold. At 15 employees, the most well-known federal civil rights protections take effect, along with Washington's pay transparency requirements.

Federal Laws

Title VII of the Civil Rights Act of 1964

Federal

Prohibits discrimination in hiring, firing, pay, and other employment decisions based on race, color, religion, sex, or national origin. Also prohibits harassment and retaliation.

Key Action: Implement anti-discrimination and anti-harassment policies. Establish a complaint procedure and train supervisors.

Americans with Disabilities Act (ADA)

Federal

Prohibits discrimination against qualified individuals with disabilities and requires employers to provide reasonable accommodations unless doing so would cause undue hardship.

Key Action: Engage in an interactive process when employees request accommodations. Document all accommodation discussions.

Genetic Information Nondiscrimination Act (GINA)

Federal

Prohibits the use of genetic information in employment decisions and restricts employers from requesting or requiring genetic information.

Key Action: Never ask about family medical history in interviews or medical inquiries. Train hiring managers accordingly.

Pregnancy Discrimination Act (PDA)

Federal

Prohibits discrimination based on pregnancy, childbirth, or related medical conditions. Pregnant employees must be treated the same as other employees with similar abilities or limitations.

Key Action: Provide the same accommodations to pregnant employees that you would offer any temporarily disabled employee.

Washington State Laws

Equal Pay and Opportunities Act (EPOA, RCW 49.58)

Washington State

Employers with 15+ Washington employees must include salary ranges and benefits descriptions in all job postings. Expanded in 2025 to cover additional protected characteristics beyond gender.

Key Action: Audit all job postings to include compliant wage/salary ranges. Note: A correction period (through July 2027) allows 5 days to fix non-compliant postings after written notice.

20+ Employees

Age Discrimination and Benefits Continuation

At 20 employees, protections against age discrimination become enforceable, and if you offer group health insurance, COBRA continuation requirements apply.

Federal Laws

Age Discrimination in Employment Act (ADEA)

Federal

Protects employees and applicants aged 40 and older from discrimination in hiring, promotion, compensation, and termination.

Key Action: Ensure age is never a factor in employment decisions. Review reduction-in-force selections for potential age discrimination impact.

Consolidated Omnibus Budget Reconciliation Act (COBRA)

Federal

Requires employers offering group health plans to provide continuation of coverage to employees and dependents who lose coverage due to a qualifying event (termination, reduction in hours, etc.).

Key Action: Provide timely COBRA election notices to qualifying employees within 14 days of a qualifying event.

25+ Employees (Effective 2026)

Washington Paid Leave Job Protection Expands

A new threshold takes effect in 2026 under Washington's Paid Family and Medical Leave program, with eligibility requirements continuing to expand in subsequent years.

Washington State Laws

Paid Family and Medical Leave — Job Protection (Title 50A RCW)

Washington State

Starting January 1, 2026, employers with 25+ employees must provide job protection to employees returning from PFML leave after just 180 calendar days of employment (reduced from 12 months/1,250 hours). The threshold drops to 15+ employees in 2027 and 8+ employees in 2028.

Key Action: Track employee tenure for PFML eligibility. Update leave policies to reflect the lower eligibility thresholds. Ensure returning employees are restored to their position or an equivalent one.

Heads Up: Phased Rollout

This threshold drops over time: **25+ employees in 2026 → 15+ employees in 2027 → 8+ employees in 2028**. Plan ahead so you're ready before each change takes effect.

50+ Employees

Federal Leave, Healthcare, and Layoff Notification

Reaching 50 employees is one of the most significant milestones for employer compliance. Federal leave protections, healthcare mandates, and Washington's layoff notification law all take effect at this level.

Federal Laws

Family and Medical Leave Act (FMLA)

Federal

Provides eligible employees up to 12 weeks of unpaid, job-protected leave per year for serious health conditions, bonding with a new child, or caring for a family member with a serious health condition. Employees must have worked 12 months and 1,250 hours within 75 miles.

Key Action: Post the FMLA notice, train managers on leave request procedures, and track eligibility carefully.

Affordable Care Act (ACA) — Employer Shared Responsibility

Federal

Applicable Large Employers (ALEs) with 50+ full-time equivalent employees must offer affordable, minimum-value health coverage or face potential penalties. Must also file annual information returns (Forms 1094-C and 1095-C).

Key Action: Determine ALE status annually. Ensure offered coverage meets affordability and minimum value standards.

Washington State Laws

Washington WARN Act (ESSB 5525, effective July 27, 2025)

Washington State

Washington's "mini-WARN Act" requires employers with 50+ employees in Washington to provide 60 days advance written notice before mass layoffs (50+ employees) or business closings. Lower threshold than the federal WARN Act (which requires 100+ employees).

Key Action: Before any significant reduction in force, calculate whether the layoff triggers WA WARN notice requirements. Provide written notice to affected employees, the state, and local government.

100+ Employees

Federal Layoff Notice and EEO Reporting

At 100 employees, you enter the realm of large-employer obligations, including federal layoff notification requirements and mandatory workforce demographic reporting.

Federal Laws

Worker Adjustment and Retraining Notification Act (WARN)

Federal

Requires 60 days advance written notice to employees before plant closings (50+ employees at a single site) or mass layoffs (500+ employees, or 50–499 employees if they make up 33%+ of the workforce).

Key Action: Consult legal counsel before any large-scale layoff to determine WARN obligations.

EEO-1 Reporting

Federal

Private employers with 100+ employees (or 50+ if a federal contractor) must annually file the EEO-1 Component 1 report with the EEOC, providing workforce demographic data by job category, race/ethnicity, and sex.

Key Action: Collect and maintain accurate workforce demographic data. File the EEO-1 report by the annual deadline.

Quick-Reference Summary Table

The table below lists every law covered in this guide, organized by the employee threshold at which it takes effect.

| Threshold | Law | Scope | One-Line Summary |
|-----------|---|---------|--|
| 1+ | Fair Labor Standards Act (FLSA) | Federal | Minimum wage, overtime pay, payroll records, and child labor standards |
| 1+ | Immigration Reform and Control Act (IRCA) | Federal | Verify identity and work authorization via Form I-9 for every hire |
| 1+ | Equal Pay Act (EPA) | Federal | Prohibits wage discrimination based on sex for equal work |
| 1+ | Occupational Safety and Health Act (OSHA) | Federal | Provide a hazard-free workplace and comply with safety standards |
| 1+ | Employee Polygraph Protection Act (EPPA) | Federal | Prohibits lie detector tests for most pre-employment and employment purposes |
| 1+ | Employee Retirement Income Security Act (ERISA) | Federal | Sets standards for voluntarily offered retirement and health benefit plans |
| 1+ | National Labor Relations Act (NLRA) | Federal | Protects employees' rights to organize and discuss wages/working conditions |
| 1+ | USERRA | Federal | Protects reemployment rights of military service members |

| Threshold | Law | Scope | One-Line Summary |
|-----------|---|----------|--|
| 1+ | Consumer Credit Protection Act (CCPA) | Federal | Limits wage garnishment amounts; prohibits firing for a single garnishment |
| 1+ | WA Minimum Wage (RCW 49.46) | WA State | State minimum wage of \$17.13/hr (2026), adjusted annually |
| 1+ | WA Paid Sick Leave (RCW 49.46.210) | WA State | Accrue 1 hour of paid sick leave per 40 hours worked; carries over |
| 1+ | WISHA | WA State | Washington's OSHA program — safe workplaces and L&I compliance |
| 1+ | WA Overtime Rules | WA State | Overtime at 1.5x for 40+ hrs/wk; 2026 exempt threshold: \$80,168.40/yr |
| 1+ | WA Paid Family & Medical Leave — Premiums (Title 50A RCW) | WA State | 1.13% premium on gross wages; employers report and remit quarterly |
| 8+ | WA Law Against Discrimination (WLAD) | WA State | Broad anti-discrimination protections — wider scope than federal Title VII |
| 11+ | OSHA Recordkeeping | Federal | Maintain OSHA 300 logs and post annual injury/illness summaries |
| 15+ | Title VII of the Civil Rights Act | Federal | Prohibits discrimination based on race, color, religion, sex, national origin |
| 15+ | Americans with Disabilities Act (ADA) | Federal | Prohibits disability discrimination; requires reasonable accommodations |
| 15+ | Genetic Information Nondiscrimination Act (GINA) | Federal | Prohibits use of genetic information in employment decisions |
| 15+ | Pregnancy Discrimination Act (PDA) | Federal | Prohibits discrimination based on pregnancy, childbirth, or related conditions |
| 15+ | Equal Pay and Opportunities Act (EPOA) | WA State | Salary ranges and benefits must be disclosed in all job postings |
| 20+ | Age Discrimination in Employment Act (ADEA) | Federal | Protects workers age 40+ from age-based employment discrimination |
| 20+ | COBRA | Federal | Requires health coverage continuation for employees after qualifying events |
| 25+ | WA Paid Family & Medical Leave — Job Protection | WA State | Job protection for PFML after 180 days of employment (eff. 2026) |

| Threshold | Law | Scope | One-Line Summary |
|-----------|-------------------------------------|----------|--|
| 50+ | Family and Medical Leave Act (FMLA) | Federal | Up to 12 weeks unpaid, job-protected leave for qualifying reasons |
| 50+ | Affordable Care Act (ACA) | Federal | Must offer affordable, minimum-value health coverage or face penalties |
| 50+ | WA WARN Act (ESSB 5525) | WA State | 60 days' notice before mass layoffs or closings (eff. July 2025) |
| 100+ | WARN Act (Federal) | Federal | 60 days' notice before plant closings or mass layoffs |
| 100+ | EEO-1 Reporting | Federal | Annual workforce demographic report to the EEOC |



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Growing Your Team? We Can Help.

Navigating employment law doesn't have to be overwhelming. Silver Fern HR Consulting partners with small and mid-sized businesses to build compliant, people-first workplaces — from your very first hire through every stage of growth.

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Questions? Reach out anytime — we're here to help you grow with confidence.

This guide is provided for general informational purposes only and does not constitute legal advice. Employment laws change frequently. Always consult with a qualified employment attorney for advice specific to your situation. Information is current as of April 2026.

