



Texas Workforce Commission

ATTENTION EMPLOYEES

Your employer reports your wages to the Texas Workforce Commission. If you become unemployed or your work hours are reduced, you may be eligible for unemployment benefit payments. File online at www.twc.texas.gov or call 1-800-939-6631. Additional assistance may be available at your local Workforce Solutions Office; please visit the directory at: www.twc.texas.gov/directory-workforce-solutions-offices-services

Unemployment Insurance (UI) benefits are available to workers who are unemployed and who meet the requirements of state

To file, you will need to provide your full legal name and your social security number or your authorization to work.

The Texas Payday Law, Title II, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least twice a month and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of

TO EMPLOYERS: Texas Labor Code section 208.001(b) and 40 T.A.C. 815.1(14)(A) & (B) require that this notice, or its equivalent, be displayed in a location reasonably calculated to be encountered by all employees, and that an employer provide such information, individually, to an employee upon separation from employment.

To report suspected fraud, waste or abuse of the program call 800-252-3642.



EQUAL EMPLOYMENT OPPORTUNITY IS ... IGUALIDAD DE OPORTUNIDADES EN EL EMPLEO ES ...

The Law in Texas

The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in

- hiring
- promotion
- discharge pay
- fringe benefits
- membership
- training other aspects of employment

because of race, color, national origin, religion, sex, age, or disability.

Sexual harassment of unpaid interns is also against the law.

La Ley en Texas

La ley prohíbe a los empleadores, agencias de empleo y sindicatos de negar la igualidad de oportunidades de empleo en

- ocupar
- ascensos
- desocupar
- beneficios
- membrecia
- entrenamiento
- otros aspectos del empleo

por causa de raza, color, nacionalidad, religion, sexo, edad, o incapacidad.

Hostigamiento sexual a los internos sin pago va tambien en contra de la ley.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division

Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles

101 East 15th Street, Rm. 144-T; Austin, TX 78778-0001 (512) 463-2642 Toll Free (within Texas) 1-888-452-4778

TTY (512) 371-7473 www.twc.state.tx.us

No appointment necessary Free Language Assistance No es necesario hacer cita Asistencia lingüística gratuita

Equal Opportunity Employer / Program Igualdad de Oportunidad de Empleo / Programa

NOTICE TO EMPLOYEES CONCERNING **WORKERS' COMPENSATION IN TEXAS**

COVERAGE: [Name of employer]

has workers' compensation insurance coverage from [name of commercial insurance company]

work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy] . Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _

. An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer

becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595

Notice 6 (01/13)

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

NOTICE TO EMPLOYEES CONCERNING **WORKERS' COMPENSATION IN TEXAS**

COVERAGE: [Name of employer]

does not

have workers' compensation insurance coverage. As an employee of a non-covered employer, you are not eligible to receive workers' compensation benefits under the Texas Workers' Compensation Act. However, a non-covered (non-subscribing) employer can and may provide other benefits to injured employees. You should contact your employer regarding the availability of other benefits for a work-related injury or occupational disease. In addition, you may have rights under the common law of Texas should you have an on the job injury or occupational disease. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595

Notice 5 (01/13)

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

Rule 110.101(e)(4)

NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

WHAT IS AN OMBUDSMAN? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

Figure 28 TAC §276.5(c) - April 2018



CHILD LABOR LAWS



Texas Workforce Commission Labor Law Section, Child Labor Enforcement (5

U.S. Department of Labor Wage and Hour Division



For further information about Texas' child labor laws, call: 1-800-832-9243 (in Texas only) TDD 1-800-735-2989

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Labor Law Section concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For nformation concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 1-

The following are prohibited occupations for 14through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments,
- (2) involving the driving of motor vehicles and outside helpers A. on any public road or highway,
 - B. in or about any place where logging or sawmill operations are in progress, or
- C. in excavations. (Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or
- federal law, (3) connected with coal mining,
- (4) in logging and sawmill occupations and occupations involving firefighting and timber tracts,
- (5) *in operating or assisting to operate power-driven woodworking
- (6) involving exposure to radioactive substances and to ionizing radiations, (7) in operating or assist to operate power-driven hoisting apparatus such as
- elevators, cranes, derricks, hoists, high-lift trucks, (8) *in operating or assisting to operate power-driven metal forming,
- punching, and shearing machines, (9) in connection with mining, other than coal,
- (10) *in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,
- (11) in operating or assisting to operate power-driven bakery machines.
- (12) *involved in the operation of power-driven paper-products machines, balers and compactors, (13) in manufacturing brick, tile, and kindred products,
- (14) *in operating or assisting to operate power-driven circular saws,
- bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers,
- (15) in wrecking, demolition, and ship-breaking operations,
- (16) *in roofing operations and on or about a roof, and
- (17)*in connection with excavation operations.

Additional prohibited occupations that apply under state law:

- (1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements.
- (2) Occupations in sexually oriented businesses by a child under 18 years of

Additional prohibited occupations that apply only to 14- and 15-year-old children:

Occupations declared particularly hazardous or detrimental to the health or wellbeing of 14- and 15-year-old children include: (1) mining, manufacturing, or processing occupations, including duties

- in workrooms or places where goods are manufactured, mined, or otherwise processed, (2) operating or assisting in operating power-driven machinery or
- hoisting apparatus other than typical office machines.
- (3) work as a ride attendant or ride operator at an amusement park or a 'dispatcher" at the top of elevated water slides,
- driving a motor vehicle or helping a driver, occupations involved in transporting persons or property by rail,
- highway, air, water, pipeline, or other means, youth peddling, sign waving, or door-to-door sales,
- poultry catching or cooping,
- lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or
- water amusement park), (9) public messenger jobs,
- (10) communications and public utilities jobs,
- (11) construction including demolition and repair,
- (12) work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or
- (13) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their
- (14) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil,
- (15) baking and all activities involved in baking,
- (16) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and
- grinders, food choppers and cutters, and bakery-type mixers, (17) freezers or meat coolers work, except minors may occasionally enter a
- for a short period of time to retrieve items, (18) meat processing and work in areas where meat is processed,
- (19) loading and unloading goods to and from trucks, railroad cars or
- (20) all occupations in warehouses and storage except office and clerical

Work times for 14- and 15-year-old children:

State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- more than 8 hours in one day or more than 48 hours in one week, between the hours of 10 p.m. and 5 a.m. on a day that is followed by a
- day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school, or between the hours of midnight and 5 a.m. on any day during the time
- school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment. 14 and 15 year old children may not work:

- during school hours, more than eight hours on a non-school day or 40 hours
- during a non-school week, more than three hours on a school day or 18 hours
- during a school week, and
- between 7 p.m. and 7 a.m. during the school year, or between 9 p.m. and 7 a.m. from June 1 and Labor Day.

Child Actors- state law

<u>Child actor definition</u> - a child under the age of 14 who is to be employed as an actor

Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texas Workforce Commission.

<u>Child actor extra definition</u> – a child under the age of 14 who is employed as an

extra without any speaking, singing, or dancing roles, usually in the background of

Special authorization for child actors to be employed as extras is granted without the need for filing an application if the employer meets the Texas Workforce Commission's requirements. Contact 1-800-832-9243 for instruction.

PENALTIES:

State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children. Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/or criminal prosecution and fines.

> 101 E. 15th Street • Austin, Texas 78778-0001 • (512) 463-2222 Relay Texas: 800-735-2989 (TDD) 800-735-2988 (Voice) www.texasworkforce.org Equal Opportunity Employer / Services

LLCL-70 (1016)

The Federal ——

Complete Compliance

All notices required by the Federal government are included on this workplace poster.

◆ EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal

Government to certain private individuals engaged in national

security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB **APPLICANTS CAN READILY SEE IT.**





WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd



◆ EEOC

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the

following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not

impose undue hardship.

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended. prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of

of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS The Vietnam Era Veterans' Readjustment Assistance Act of 1974,

as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment applicants, employees, or their family members; the manifestation

disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits

INDIVIDUALS WITH DISABILITIES

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

employment discrimination on the basis of sex in educational

programs or activities which receive Federal financial assistance.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such EEOC-P/E-1 Revised November 2009

EMPLOYEE RIGHTS – UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

The law requires employers to display this poster where employees can readily see it

Overtime Pay

At least $1\frac{1}{2}$ times the regular rate of pay for all hours worked over 40 in a workweek.

Child Labor

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

Tip Credit Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

Nursing Mothers

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to

express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

Enforcement

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under

Additional Information

• Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

• Some state laws provide greater employee protections;

employers must comply with both. • Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and

overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by

> (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd



the Department of Labor.

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR



◆ FAMILY MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

• The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or placement); To care for the employee's spouse, child, or parent who has a qualifying serious health condition: For the employee's own qualifying serious health condition that makes the employee unable

to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave

in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA

Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

• Have worked for the employer for at least 12 months; • Have at least 1,250 hours of service in the 12 months before taking leave;* and

• Work at a location where the employer has at least 50 employees

within 75 miles of the employee's worksite. *Special "hours of service" requirements apply to airline flight crew employees.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:



♦ Families First Corona Response Act

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees: Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 3/3 for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and • Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at \(\frac{7}{3} \) for qualifying
- reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- **1.** is subject to a Federal, State, or local guarantine or isolation order related to COVID-19;
- 2. has been advised by a health care provider to self-quarantine related to COVID-19;
- **3.** is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- **4.** is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- **5.** is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or 6. is experiencing any other substantially-similar
- condition specified by the U.S. Department of Health and Human Services.

▶ ENFORCEMENT

► ELIGIBLE EMPLOYEES

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.







Resourceful Compliance, www.resourcefulcompliance.com 1-800-226-2327, PFEDFFCRAE-20

OSHA



Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.

Participate (or have your representative

participate) in an OSHA inspection and speak in private to the inspector. • File a complaint with OSHA within 30 days (by phone, online or by mail)

if you have been retaliated against for

your employer. Request copies of your medical records, tests that measure hazards in the workplace, and the workplace

Contact OSHA. We can help.

See any OSHA citations issued to

using your rights.

injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace. Post OSHA citations at or near the

place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

◆ USERRA

notice

of your service;

☆ initial employment;













THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Reemployment Rights You have the right to be reemployed in your civilian job if you leave

you ensure that your employer receives advance written or verbal

- job to perform service in the uniformed service and:
- you have five years or less of cumulative service in the uniformed services while with that particular employer, you return to work or apply for reemployment in a timely manner
- after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due
- **Right To be Free From Discrimination And Retaliation** If you: are a past or present member of the uniformed service;

to military service or, in some cases, a comparable job.

- have applied for membership in the uniformed service; or are obligated to serve in the uniformed service; then an employer may not deny you:
- ☆ reemployment; ☆ retention in employment; promotion: or any benefit of employment because of this status.

1-866-487-2365

in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection. **Health Insurance Protection** ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan

In addition, an employer may not retaliate against anyone assisting

★ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

coverage for you and your dependents for up to 24 months while in

☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. ❖ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at

http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm. ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

☆ You may also bypass the VETS process and bring a civil action against

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this

the military.

Enforcement



address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers





an employer for violations of USERRA.



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