

FEDERAL LABOR LAWS

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR
BEGINNING JULY 24, 2009

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

OVERTIME PAY
At least 1.5 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 non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural occupations.

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 credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage at least \$2.13 per hour are not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK
The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public, which may be used by the employee to express breast milk.

WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR
1-866-487-9243 • www.dol.gov/agencies/whd • FD-4022

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 an employer 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 polygraphs to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed, 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.

EXAMINEE RIGHTS
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.

ENFORCEMENT
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.

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YOUR RIGHTS UNDER USERRA

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 that job to perform service in the uniformed service and:
• you ensure that your employer receives advance written or verbal notice of your service;
• 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 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 to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you:
• are a past or present member of the uniformed service;
• have applied for membership in the uniformed service; or
• are obligated to serve in the uniformed service;
then an employer may not deny you:
• initial employment; • reemployment; • retention in employment;
• promotion; or • any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting 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.

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 address:
<https://www.dol.gov/agencies/wds/programs/userraposter>

Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where their customary places notices for employees.

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 coverage for you and your dependents for up to 24 months while in the military.
• 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 within any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
• 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 <https://www.dol.gov/agencies/wds>. An Interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/wds/vetsuserra>
• If you file a complaint with VETS and USERRA is unable to resolve your issue, 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 an employer for violations of USERRA.

U.S. Department of Labor
1-866-487-2365

U.S. Department of Justice
Office of Special Counsel
1-800-336-4590

Publication Date — May 2022

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work, you may be able to file a charge with the EEOC to help.

Who is Protected and How?
Employees (contract and non-union, including managers and temporary employees)
• Job applicants
• Union members and applicants for membership in a union

What Organizations are Covered?
• Most private employers
• State and local governments (as employers)
• Federal government contractors and subcontractors
• Unions
• Staffing agencies

What Types of Employment Discrimination are Illegal?
Under the EEOC laws, an employer may not discriminate against you, regardless of your compensation status, on the basis of:
• Race
• Religion
• National origin
• Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
• Age (40 and older)
• Disability
• Genetic information (including employer requests for genetic testing, or disclosure of genetic tests, genetic services, or family medical history)
• Retaliation for filing a charge, requesting equal opportunity, or participating in a discrimination lawsuit, investigation, or proceeding
• Harassment, or threats related to exercising rights regarding disability discrimination

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:
• Discharging, firing, or lay-off
• Hiring (including unlawful pre-employment testing)
• Promoting (including unlawful verbal or physical contact)
• Pay or promotion
• Assignment
• Pay (equal wages and compensation)
• Failure to provide reasonable accommodation for a disability (physical, sensory, intellectual, or related medical condition), or a sincerely held religious belief, observance or practice
• Benefits
• Job training
• Classification
• Retaliation
• Disabling or disclosing genetic information of employees
• Requesting or disclosing medical information of employees
• Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
• Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights regarding disability discrimination (including accommodations or pregnancy accommodations)

What can You Do if You Believe Discrimination Has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not wait, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:
• Submit an inquiry through the EEOC public portal: <https://eefirst.eeoc.gov>
• Postal inquiry
• 1-800-486-4000 (toll free)
• 1-800-658-6022 (TTY)
• 1-844-234-5122 (ASL, video, phone)
• Email: info@eeoc.gov
• In-person: www.eeoc.gov

Additional information about the EEOC including information about filing a charge of discrimination is available at www.eeoc.gov

Revised 6/27/2021

Know Your Rights: Your Employee Rights Under the Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period:
• This will apply to either calendar year or fiscal year.
• Your service member or physical health condition that makes you unable to work.
• Care for your spouse, child or parent with a serious medical or physical health condition, and
• Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is in military service.

An eligible employee who is the spouse, child, parent or next of kin of a covered government worker with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, FMLA leave may be intermittently or separately blocks of time, or as a reduced schedule by working less than each day or week. Read <https://www.dol.gov> for more information.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employee-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?
You are an eligible employee if all of the following apply:
• You work for a covered employer.
• You have worked for your employer at least 12 months.
• You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
• Your employer has at least 50 employees within 75 miles of your work location.

Active/Retired state employees have different "hours of service" requirements.

How do I request FMLA leave?
Generally, to request FMLA leave you must:
• Follow your employer's normal policies for requesting leave,
• Follow notice at least 30 days before your need for FMLA leave, or
• Advance notice is not possible, give notice as soon as possible.
Do not feel that you have a medical diagnosis but that you need enough information to inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your employer may request certification from a health care provider for your medical leave and may require certification of a qualifying reason.

The FMLA does not affect any federal or state law prohibiting discrimination or imposing any state or local law or collective bargaining agreement that provides greater family or medical leave rights. State employees may be subject to certain limitations in amount of leave available regarding leave by their own service health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?
If you are eligible for FMLA leave, your employer must:
• Allow you to take job-protected time off for a qualifying reason,
• Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
• Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.
Your employer cannot interfere with your FMLA leave or threaten or punish you for exercising your rights under this law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are an eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:
• About your FMLA rights and responsibilities, and
• How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?
Generally, to request FMLA leave you must:
• Call 1-866-487-9243 or visit www.dol.gov to learn more.
• You have your own rights under the FMLA law but related, you may file a complaint with WHD or file a private lawsuit against your employer if you are the FMLA complaint form.

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OSHA Occupational Safety and Health Administration

Job Safety and Health IT'S THE LAW!

OSHA 3165-043-2019
FD-4022 (V10 - 05/15)

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OSHA Occupational Safety and Health Administration

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related 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 using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace 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 programs in every state.

Contact OSHA. We can help.

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

OSHA 3165-043-2019
FD-4022 (V10 - 05/15)

FEDERAL LABOR LAWS
SP-FD-E

ADP
Always Designing for People