

VERMONT

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Package Instructions:

1. Print the following PDF files in 8.5 x11 sheets of paper, unless otherwise specified use the color white.
2. The Federal OSHA poster must be printed in an 8 ½ x 14 sheet of paper to be in compliance.
3. Post the printed sheets in a place frequented by employees (i.e. lunch rooms, HR offices, employee lounges).
4. You may also distribute electronic copies of the Labor Law Notices to all relevant workstations in your facility.



ALL IN ONE POSTER COMPANY, INC.

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Accommodations for Pregnant Employees In Vermont

Notice of Employee Rights

WHAT IS THE LAW?

An employee with a pregnancy-related condition has a right to reasonable accommodations in the workplace to perform her job. A pregnancy-related condition is one caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law applies to all Vermont workplaces and all pregnant employees.

WHEN DOES IT BECOME EFFECTIVE?

January 1, 2018

WHAT ARE THE EMPLOYER'S OBLIGATIONS?

When employees request a reasonable accommodation pertaining to pregnancy, the employer should take time to work with the employee to fulfill the request. Ignoring a request, retaliating against, or firing the employee requesting a reasonable accommodation could expose the employer to damages and civil penalties.

DOES AN EMPLOYER HAVE TO GRANT EVERY ACCOMMODATION REQUEST?

An employer may decline a reasonable accommodation if the accommodation would constitute an undue hardship. An accommodation creates an undue hardship if it would be significantly difficult, unduly expensive or unworkable to put into place.

WHAT ARE THE EMPLOYEE'S RIGHTS?

If you feel you need reasonable accommodations to perform your job, you must request the accommodation by communicating with your employer. Examples of pregnancy-related accommodations include, but are not limited to:

- More breaks for the bathroom, water intake, or rest
- Access to a chair or stool
- Time off for prenatal appointments
- A private, clean space for breast feeding.
- Assistance with specific duties, such as manual labor or heavy lifting
- Time off to recover from medical conditions related to pregnancy or childbirth

If you feel you need reasonable accommodations to perform the essential functions of your job, you must request the accommodations by communicating with your employer.



FOR MORE INFORMATION:

STATE OF VERMONT
ATTORNEY GENERAL'S OFFICE:
109 State Street, Montpelier, VT 05602
888-745-9195 or 802-828-3657
AGO.CivilRights@vermont.gov

You may also contact the
HUMAN RIGHTS COMMISSION
14-16 Baldwin St., Montpelier, VT 05633
800-416-2010 or 802-828-2480
human.rights@vermont.gov
www.hrc.vermont.gov

Vermont's Earned Sick Time Act

Notice of Employee Rights

HOW IS SICK TIME EARNED?

An employee will earn one hour of earned sick time for every 52 hours of actual work, including overtime. An employee will be entitled to use up to 24 hours of earned sick time annually in 2017 and 2018, and up to 40 hours in 2019 and subsequent years.

HOW CAN SICK TIME BE USED?

An employee can use sick time when the employee or employee's child, parent, grandparent, spouse, or parent-in-law is sick or injured. This includes helping a family member obtain health care or travel to an appointment related to his or her long-term care, or to address the effects of domestic violence, sexual assault or stalking. An employee may use earned sick time to care for a family member because the school or business where the family member is located is closed for public health or safety reasons.



FOR MORE INFORMATION,

or to report suspected violations of the Act, contact the
Vermont Department of Labor at 1-802-828-0267

WHEN DOES ACCRUAL BEGIN?

An employee begins accruing sick leave on January 1st, 2017 or on the first day of employment, whichever comes later.

IS THERE AN EXCEPTION FOR SMALL BUSINESSES?

A small business that employs five or fewer full-time employees will not be subject to the Act until January 1st, 2018.

WHEN WILL PAID SICK TIME BE AVAILABLE TO USE?

An employer may elect to allow the use of earned sick time as it accrues, or may impose a waiting period of up to one year after January 1st, 2017 or the first day of employment, whichever comes later.

ARE ALL EMPLOYEES ENTITLED TO SICK TIME?

Not all employees are subject to the protections of the Act. There are limited exemptions for certain types of employment, as well as for certain seasonal and part time employees. For a complete list, go to:

<http://legislature.vermont.gov/statutes/section/21/005/00471>

Employment Protections for Victims of Crime

Notice of Employee Rights

WHAT IS THE LAW?

Under Vermont law, crime victims are protected from harassment or other discrimination by employers based on their status as a crime victim. Employers are also required to provide crime victims with job-protected, unpaid leave to attend certain legal proceedings relating to the crime.

EFFECTIVE AS OF:

July 1, 2018

WHO IS A CRIME VICTIM?

Under the law, a “crime victim” is a person who has:

- Obtained a relief from abuse order against a family or household member;
- Obtained a court order against stalking or sexual assault;
- Obtained a court order against abuse of a vulnerable adult; or
- Sustained physical, emotional or financial injury as the direct result of a crime, and is identified as a crime victim in an affidavit filed by law enforcement.

EMPLOYEE RIGHTS

Employees who are crime victims have the right to take unpaid leave to attend:

- Criminal proceedings where the employee has a legal right or obligation to appear at the proceeding;
- Relief from abuse hearings and neglect or exploitation hearings under when the employee is a plaintiff; or
- Hearings concerning an order against stalking or sexual assault.

While on crime victim leave, employees may use any accrued sick leave, vacation leave, or any other paid leave. Employees must continue to receive employment benefits while on leave, and have the right to return to their same job or a comparable position upon return.



FOR MORE INFORMATION:

VERMONT ATTORNEY GENERAL CIVIL RIGHTS UNIT

109 State St., Montpelier, VT 05062
888-745-9195 OR 802-828-3657
AGO.CivilRights@Vermont.gov

HUMAN RIGHTS COMMISSION

14-16 Baldwin St., Montpelier, VT 05062
800-416-2010 OR 802-828-2480
www.hrc.Vermont.gov

CHILD LABOR POSTER



NON AGRICULTURAL EMPLOYMENT:

Children Age 14 and 15 MAY NOT work in any of the hazardous occupations above and may not work in communications or public utilities jobs, construction or repair jobs, driving a motor vehicle or helping a driver, manufacturing and mining occupations, power-driven machinery or hoisting apparatus other than typical office machines, processing occupations, public messenger jobs, transporting of persons or property, workrooms where products are manufactured, mined or processed, or warehousing and storage.

Children Age 14 and 15 MAY work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

No more than 3 hours on a school day or 18 hours in a school week; 8 hours on a non-school day or 40 hours in a non-school week. Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

Examples of permitted jobs include office, grocery store, retail store, restaurant, movie theater, baseball park, amusement park, or gasoline service station.

Children Age 16 - 18

An employee must be at least 16 years old to work in most non-farm jobs. No person less than 18 years old may work in any occupation declared hazardous by the Secretary of the USDOL or the Commissioner of the Vermont Department of Labor. The following occupations have been declared hazardous (see child labor rules for additional information):

Hazardous Occupations

Manufacturing and storing of explosives, driving a motor vehicle and being an outside helper on a motor vehicle; coal mining, logging and sawmilling, power-driven woodworking machines, exposure to radioactive substances, power-driven hoisting apparatus, power-driven metal-forming, punching, and shearing machines, mining, other than coal mining, meat packing or processing (including the use of power-driven meat slicing machines), power-driven bakery machines, power-driven paper-product machines, manufacturing brick, tile, and related products, power-driven circular saws, band saws, and guillotine shears, wrecking, demolition, and shipbreaking operations, roofing operations, or excavation operations. There are some exemptions for apprentice/student-learner programs in some of these hazardous occupations.

A person must be at least 18 to work in any of the hazardous non-farm jobs listed above.

AGRICULTURAL EMPLOYMENT:

Once a person turns **16 years old**, he or she can do any job in agriculture.

A youth **14 or 15 years old** can work in agriculture, on any farm, but only in non-hazardous jobs.

A youth **12 or 13 years of age** can only work in agriculture on a farm if a parent has given written permission or if a parent is working on the same farm as his or her child, and only in non-hazardous jobs.

If the youth is **younger than 12**, he or she can only work in agriculture on a farm if the farm is not required to pay the Federal minimum wage. Under the FLSA, "small" farms are exempt from the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small," workers under 12 years of age can only be employed with a parent's permission and only in non-hazardous jobs.

Hazardous agricultural occupations include:

- Operating a tractor of over 20 PTO (Power-Take-Off) horsepower, or connecting or disconnecting implements or parts to such a tractor.
- Operating or helping to operate Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner, Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a non-gravity-type self-unloading wagon or trailer; or, Power post-hole digger, power post driver, or nonwalking-type rotary tiller, Trencher or earthmoving equipment; Fork lift; Potato combine; or Power-driven circular, band or chainsaw.
- Working on a farm in a yard, pen, or stall occupied by Bull, boar, or stud horse for breeding, or Sow with suckling pigs, or cow with newborn calf with umbilical cord present.
- Loading, unloading, felling, bucking, or skidding timber with a butt (large end) diameter of more than 6 inches.
- Working from a ladder or scaffold at a height of over 20 feet.
- Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).

Safety and Health Protection on the Job

The Vermont Occupational Safety and Health Code (Title 21 V.S.A. Chapter 3, Sub-Chapters 4 and 5, and the rules adopted (there under) provides job safety and health protection for workers.

The purpose of the law is to assure safe and healthful working conditions throughout the State.

- You have the right to notify your employer or VOSHA about workplace hazards. You may ask VOSHA to keep your name confidential.
- You have the right to request a VOSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace.
- You or your representative may participate in the inspection.
- You can file a complaint with VOSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the Vermont Occupational Safety and Health Act.
- You have a right to see VOSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.

You have a right to a safe and healthy workplace.

IT'S THE LAW!



- The Statute provides that employees may not be discharged or discriminated against in any way for filing safety or health complaints or otherwise exercising their rights under the Code.
- The Statute also provides that employees who are discriminated against may bring a private action in Superior Court for appropriate relief including reinstatement, triple wages, damages, costs and reasonable attorney's fees.

The Occupational Safety and Health Act of 1970 (OSH Act), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. To obtain more information on OSHA federal programs, call 1-800-321-OSHA or visit OSHA's website at www.osha.gov.

The Vermont Occupational Safety and Health Administration (VOSHA), in the Vermont Department of Labor, has the primary responsibility for administering the OSH Act in Vermont. To file a complaint, report an emergency, or seek VOSHA advice or assistance call 1-800-287-2765.

Under a plan approved October 1, 1973, by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Vermont is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding Vermont's administration of this plan directly to the Occupational Safety and Health Administration, John F. Kennedy Federal Building, Room E-340, Boston, MA, 02203, Telephone (617) 565-9860.

ASSISTANCE AND INFORMATION:

The plan provides that employers and employees may request free voluntary compliance consultative or training assistance, which is provided by non-enforcement Project WorkSAFE personnel.

1-800-287-2765
www.labor.vermont.gov



Further information, including copies of the Code and of specific safety and health standards, may be obtained by contacting:

Project WorkSAFE
 Department of Labor
 5 Green Mountain Drive
 P. O. Box 488
 Montpelier, Vermont 05601-0488
 Telephone (888) SAFE-YES
 Toll-free at 1-888-723-3937.



Employer's Liability and Workers' Compensation

NOTICE TO EMPLOYEES

This employer, _____, has complied with the provisions of Title 21 of the Vermont Statutes, Annotated §687, by obtaining Workers' Compensation Insurance coverage through:

(Insurance Carrier)

Workers' Compensation benefits for lost time, medical expenses, disability or death because of a work-related injury are available through the above named company.

- An injured employee **MUST** immediately notify his/her employer of an injury.
- The employer **MUST** file an Employee Claim and Employer's First Report of Injury (Form 1) with the Vermont Department of Labor within 72 hours of the notice of an injury that requires medical attention or results in time lost from work. The employer must also provide a copy of the Form 1 to the injured worker and to the insurance carrier.
- If the employer fails to file a First Report, an employee may file a Notice of Injury and Claim for Compensation (Form 5) with the Vermont Department of Labor within six months of the date of injury.
- Information concerning injured worker rights and benefits is available on the department's Workers' Compensation website at <http://www.labor.vermont.gov> or by calling (802) 828-2286.

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NOTICE

Workers' Compensation Reinstatement Rights

VERMONT LAW REQUIRES POSTING OF THIS NOTICE

21 VSA §643b Reinstatement; seniority and benefits protected

This law provides that an employer who regularly employs **ten or more** people (at least 10 of whom work more than 15 hours a week), has an obligation to rehire a worker who has suffered a work related injury **provided** that the following conditions are met:

1. The worker recovers from the injury within two (2) years of the onset of disability; and
2. The worker keeps the employer informed of his or her interest in reinstatement and his or her current mailing address; and
3. The worker had an expectation of continuing work had the injury not occurred; and
4. The worker is physically capable of performing either his or her prior job, if available, or an alternative suitable position.

Reinstatement must be with all benefits earned up to the date of injury, including both seniority and accrued leave time. Obviously, such benefits need not accrue **during** the period of actual disability.

Please note that the right to reinstatement applies only to the first **available** suitable job. Thus, the employer is not obligated either to create an "extra" position for a returning worker or to lay-off a current employee in order to comply with this law.

Should you have questions regarding the above, please contact the Vermont Department of Labor, Workers' Compensation and Safety Division at 802-828-2286 or our website: www.labor.vermont.gov.

www.labor.vermont.gov

FOR FURTHER INFORMATION CONTACT:

Vermont Department of Labor

P. O. Box 488

Montpelier, Vermont 05601-0488

Email: **LABOR.WCComp@vermont.gov**

Telephone: (802) 828-2286

TDD: (800) 650-4152

Fax: (802) 828-2195



Parental Leave, Family Leave, and Short-Term Family Leave



Vermont's **Parental Leave** Law covers employers with 10 or more workers who work an average of 30 hours per week over the course of a year.

Vermont's **Family Leave** Law, which includes Short-Term Family Leave, covers employers with 15 or more workers who work an average of 30 hours per week over the course of a year.

A worker who has worked for a covered employer for an average of 30 hours a week for a year is entitled to leave under these laws. During any 12 month period, the worker is entitled to up to 12 weeks of unpaid leave:

- **Parental Leave:** during the pregnancy and/or after childbirth; or, within a year following the initial placement of a child 16 years of age or younger with the worker for the purpose of adoption;
- **Family Leave:** for the serious illness of the worker, worker's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent of the worker's spouse;

and, in addition to the leave provided in 21 V.S.A. Sec. 472, a worker is entitled to **short-term family leave** of up to 4 hours in any 30 day period (but not more than 24 hours in any 12 month period) of unpaid leave:

Short-Term Family Leave: to participate in preschool or school activities directly related to the academic advancement of the worker's child, stepchild, foster child or ward who lives with the worker; to attend or to accompany the worker's child, stepchild, foster child or ward who lives with the worker or the worker's parent, spouse or parent-in-law to **routine medical or dental appointments**; to accompany the worker's parent, spouse, or parent-in-law to **other appointments for professional services** related to their care and well-being; to respond to a **medical emergency** involving the employee's child, stepchild, foster child or ward who lives with the worker or the employee's parent, spouse or parent-in-law.

The worker must give reasonable written notice of intent to take **family** or **parental** leave, including the anticipated dates the leave will start and end. The employer may not require notice more than 6 weeks prior to birth or adoption. If serious illness is claimed, the employer may require certification from a physician. For **short-term family leave**, a worker must give notice as early as possible, at least seven days before the leave is to be taken unless waiting seven days could have a significant adverse impact on the employee's family member.

A worker may choose to use sick leave, or vacation leave, or any other accrued paid leave time during the leave, up to six weeks. The employer may not require the worker to do so. Use of paid leave does not extend the overall leave time to which the worker is entitled.

The employer must continue to provide all worker benefits unchanged during the leave period, but may require the worker to contribute to the cost at the existing rate of worker contribution.

Upon return from leave, a worker must be offered the job held previously or a comparable one at equal pay, benefits, seniority, and other terms and conditions.

Exceptions: A worker is not entitled to leave under the Parental and Family Leave Act if the employer can prove by clear and convincing evidence that:

- **Layoff:** during the period of leave the employee's job would have been terminated or the worker would have been laid off for reasons unrelated to the leave; or
- **Unique Services:** the worker performed unique services and hiring a permanent replacement during the leave, after giving the worker notice of intent to do so, was the employer's only available alternative to prevent substantial and grievous economic injury.

This law sets a minimum standard for parental and family leave rights. It does not prevent an employer from offering a more generous leave policy and does not reduce an employer's obligation under a collective bargaining agreement or existing program that provides greater leave rights than the law requires.

**EMPLOYEES ARE PROTECTED FROM RETALIATION OF ANY KIND IN CONNECTION
WITH THE ENFORCEMENT OF THIS LAW.**

A worker aggrieved by a violation of this law may:

- bring a private lawsuit for injunctive relief, economic damages including prospective lost wages for a period not to exceed one year, attorney fees and court costs;
- **(if you are not a state worker)** lodge a complaint with the Office of the Attorney General at **828-3657**, or **(if you are a state worker)** lodge a complaint with the Vermont Human Rights Commission at **828-2480**. These agencies may investigate your complaint and bring action in court to enforce this law.

**To obtain copies of this poster, call the Vermont Department of Labor at 828-0267 or visit our website at:
<http://www.labor.vermont.gov/>**

Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).

WH-14 (03/14)

whistleblower

Healthcare Whistleblower's Protection Act



There is protection for Healthcare Employees Who Report or Refuse to Commit Illegal Acts*

**It is illegal for your employer to
fire you, threaten you, retaliate
against you or treat you
differently because:**

1. You reported a violation of the law by your employer to any person, entity, or public body;
2. You reported a medical error or improper quality of patient care by your employer to any person, entity, or public body;
3. You reported something that risks someone's health or safety;
4. You have objected or refused to participate in any activity, policy, or practice of your employer that you reasonably believe is a violation of a law or constitutes improper quality of care, or that will endanger your life; or
5. You have been involved in an investigation or hearing held by the government.

**You are protected by this law
ONLY if:**

1. You are employed by a hospital, or nursing home; and
2. You tell your employer about the problem and allow a reasonable time for it to be corrected; or
3. You have good reason to believe that your employer will not correct the problem.

**If you have been fired or
your employer has retaliated
against you due to a violation of
this law, you may:**

1. Use any available internal process, grievance procedure, or similar process available to you to maintain or restore any loss of employment rights with your employer; or
2. Bring an action in the superior court of the county where the retaliation by your employer occurred.

To report a violation, unsafe condition or practice or an illegal act in your workplace, contact:

(The employer should fill in this information)

(Name)

(Title)

(Location)

(Telephone)



*** A copy of the complete statute
can be found at:**

**[http://legislature.vermont.gov/
statutes/chapter/21/005](http://legislature.vermont.gov/statutes/chapter/21/005)**

This poster may be copied.

FOR MORE INFORMATION

CALL THE VERMONT DEPARTMENT OF LABOR | 1-802-828-0267 | TTY/Relay Service at 711 | TDD services at 1-800-650-4152

Auxiliary aides and services are available upon request for individuals with disabilities.

Interpretive services are also available for persons with limited English proficiency.

NOTICE

MINIMUM WAGE

Indicated below is Vermont's minimum wage rate. (Note: Effective since July 1, 1989, "if the minimum wage rate established by the U.S. Government is greater than the rate established for Vermont for any year, the Vermont minimum wage rate shall be the rate established by the U.S. Government".)

MINIMUM WAGE RATE

Effective 01/01/2014:	\$8.73 per hour worked
Effective 01/01/2015:	\$9.15 per hour worked
Effective 01/01/2016:	\$9.60 per hour worked
Effective 01/01/2017:	\$10.00 per hour worked
Effective 01/01/2018:	\$10.50 per hour worked

Service or Tipped Employees – "A service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 a month in tips for direct and personal customer service.

THE BASIC WAGE RATE

MAXIMUM TIP CREDIT ALLOWED

Effective 01/01/2014: \$4.23 an hour	\$4.50 an hour
Effective 01/01/2015: \$4.58 an hour	\$4.57 an hour
Effective 01/01/2016: \$4.80 an hour	\$4.80 an hour
Effective 01/01/2017: \$5.00 an hour	\$5.00 an hour
Effective 01/01/2018: \$5.25 an hour	\$5.25 an hour

The basic wage rate is the minimum required employer contribution towards the minimum wage. If an employee does not receive sufficient tips in the work week to at least achieve the minimum wage for all hours worked that week, the employer must make up the difference.

For Further Information Contact:

Vermont Department of Labor
5 Green Mountain Drive
P.O. Box 488
Montpelier, Vermont 05601-0488
Email: labor-wagehour@vermont.gov
Telephone: (802) 828-0267
Fax: (802) 828-4198



Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor.) Interpretative services are available for limited English proficiency customers. For more information please visit: <http://www.dol.gov/oasam/programs/crc/ISpeakCards.pdf>

NOTICE

SEXUAL HARASSMENT IS ILLEGAL

and is prohibited by **THE VERMONT FAIR EMPLOYMENT PRACTICES ACT** (Title 21, Chapter 5, Subchapter 6 of the Vermont Statutes) **AND TITLE VII OF THE CIVIL RIGHTS ACT OF 1964** (42 United State Code Section 2000e *et seq.*)

“SEXUAL HARASSMENT” IS A FORM OF SEX DISCRIMINATION AND MEANS UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN:

- (A) SUBMISSION TO THAT CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF EMPLOYMENT; OR
- (B) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS A COMPONENT OF THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING THAT INDIVIDUAL; OR
- (C) THE CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH THE INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORK ENVIRONMENT.

IT IS UNLAWFUL TO RETALIATE AGAINST AN EMPLOYEE FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR FOR COOPERATING IN AN INVESTIGATION OF SEXUAL HARASSMENT.

Examples of SEXUAL HARASSMENT include:

UNWELCOME SEXUAL ADVANCES • SUGGESTIVE OR LEWD REMARKS
UNWANTED HUGS, TOUCHES, KISSES • REQUESTS FOR SEXUAL FAVORS
PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS • UNWELCOME SEXUAL JOKES AND BANTER
RETALIATING FOR COMPLAINING AGAINST SEXUAL HARASSMENT

Consequences for COMMITTING SEXUAL HARASSMENT may include:

DISCIPLINARY ACTION, FROM A VERBAL WARNING TO DISMISSAL
DAMAGES AND OTHER RELIEF FOR THE VICTIM
CIVIL PENALTIES OF UP TO \$10,000 PER VIOLATION
CRIMINAL PENALTIES

IT IS AGAINST THE POLICY OF THIS EMPLOYER FOR AN EMPLOYEE, MALE OR FEMALE, TO SEXUALLY HARASS ANOTHER EMPLOYEE. EVERY SUPERVISOR is responsible for promptly responding to or reporting any complaint or suspected acts of sexual harassment.

ANY EMPLOYEE who believes that she or he has been sexually harassed or retaliated against for complaining of it is encouraged, to report the situation as soon as possible to

- (a) his or her supervisor, and/or
- (b) _____ (the head of this organization), and/or
- (c) this person, who is designated to receive such complaints and reports:

Name and Title: _____

Address and Telephone Number _____

**THIS EMPLOYER WILL PROMPTLY INVESTIGATE AND RESPOND TO ALL REPORTS
AND KNOWLEDGE OF SEXUAL HARASSMENT**

You also may contact the STATE OF VERMONT ATTORNEY GENERAL'S OFFICE, 109 State Street, Montpelier, VT 05602 (888-745-9195 or 802-828-3665 voice/TDD); and/or, if you work for an employer with at least 15 employees, the **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**, John F. Kennedy Federal Govt. Ctr., Room 475, Boston, MA 02203 (617-565-3200 or 1-800-669-4000); or, if you work for a Vermont State agency, the Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301 (800-416-2010 or 802-828-2480 voice/TDD).

Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).

Department of Health

Vermont's Smoking Laws

Smoking in Public Places Law

This law, which is also called the Clean Indoor Air Act, bans the smoking of tobacco products in nearly all the common areas of indoor “places of public access.” This includes any place of business that serves the public or that the public has access to use – both public and privately owned and for profit or not-for-profit organizations. As of September 1, 2005, private clubs and bars are now included under the law.

Examples of public places that prohibit smoking include:

- Buildings and offices
- Means of transportation
- Common carrier waiting rooms, like bus stations
- Arcades, libraries, theaters, concert halls, auditoriums, arenas, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, barber shops, hair salons, and laundromats
- Restaurants, bars and cabarets
- Retail and grocery stores
- Hotels and motels, including lobbies, hallways, elevators, restaurants, restrooms, and cafeterias
- Buildings or facilities owned or operated by social, fraternal, or religious clubs
- Common areas of nursing homes and hospitals

Private schools are also included. A separate Vermont law bans all tobacco use on the grounds of public schools (title 16 VSA, section 140). The Smoking in Public Places Law also applies to publicly owned buildings and offices which include indoor places or portions of places that are owned, leased, or rented by state, county or municipal governments, or by agencies supported by tax dollars.

Where does the Smoking in Public Places Law not apply?

The Vermont Smoking in Public Places Law is comprehensive and includes all businesses, except:

- Areas of owner-operated businesses that have no employees, and which are not commonly open to the public.
- Workplace smoking areas designated under Vermont's “Smoking in the Workplace” law (see other side).

What does an owner, manager or employee do if a patron is smoking a cigarette?

- The law requires that the owner or manager ask the person to put out the cigarette.
- If the person refuses then the law directs the owner, manager or employee to ask the person to leave the premise.
- If the person refuses to leave then you may call a local police officer. A member of the public can also call the police.

What are the penalties for violating the Smoking in Public Places Law?

A person who is smoking in a public place, and an owner who does not take action as noted above, are both subject to penalties for noncompliance, including civil court action and criminal penalties up to \$10,000 for each violation.

Smoking in the Workplace Law

The Smoking in the Workplace law requires certain actions by every employer who operates a workplace, which means an enclosed structure where employees perform services for an employer, but which does not include a personal residence. The law addresses indoor smoking issues.

What does the Smoking in Workplace Law require an employer to do?

The first step is to establish, or negotiate through collective bargaining, a smoking policy that either prohibits smoking in the entire workplace or restricts smoking to designated smoking areas. A designated smoking area may be allowed indoors under certain conditions, such as a large open space in a warehouse, or as noted below. The Vermont Department of Health encourages employers and employees to set smoke-free policies.

For A Smoke-Free Work Place Policy:

- Post a copy of the smoking policy in an obvious location. A written copy is to be provided to employees upon request. Written policies are required for employers who have at least 10 employees who work more than 15 hours a week.
- Post the No Smoking sign, which are available through the Vermont Department of Health (800-439-8550).
- Consistently implement and enforce the smoking policy.

For A Designated Smoking Area Policy:

In addition to posting the smoking policy, the designed area will need mechanical ventilation that is vented to the exterior of the building, which prevents smoke from entering back into the general workplace.

An employer may set a smoking policy that permits smoking in a designated smoking area of a large open indoor space (i.e., a warehouse). However, two conditions apply:

1. The layout of the workplace shall not allow smoke to be a physical irritation to any nonsmoking employees.
2. 75% of the employees in the workplace agree to the designated smoking area.

May employees smoke outside the building?

Employers should avoid allowing smoking to occur outdoors, especially at public entrances. The Department of Health recommends that outdoor smoking be at least 50 feet away from the building, so that smoke does not easily or readily re-enter the building.

What actions can employees take if they are exposed to smoking or there is no smoking policy at their workplace?

File a complaint with the Department of Health (800-439-8550). The Department of Health will give the employer written notification of the alleged violation and ten days to come into voluntary compliance.

The law prohibits an employer from discharging, disciplining or otherwise discriminating against an employee because that employee assisted in the supervision or enforcement of the workplace smoking requirements. The penalty for doing so may include court action against the employer, and a court may determine appropriate remedies such as restraining orders, reinstatement and back pay.

Quit Smoking Resources

The following quit smoking services are available to Vermonters: free phone coaching through the Quit Line, toll-free 1-877-YES-QUIT (937-7848); in-person coaching at each local hospital's Ready, Set...STOP program; or, on-line at www.VermontQuitNet.com. Additional information is available at www.TobaccoStories.org.

June 2006

This building is

100%

smoke-free

**Smoking is not allowed in
Vermont workplaces. If you
have questions about the law
call 1-866-331-5622 or log
onto healthvermont.gov.**



1-866-331-5622

healthvermont.gov

UNEMPLOYMENT INSURANCE

**If you have become unemployed or
your work hours have been reduced,
you may be eligible for
UNEMPLOYMENT BENEFITS**

**Call the
Vermont Department of Labor**

1-877-214-3330

(toll free)

**TTY/Relay Service at 711
TDD services at 1-800-650-4152**

*Auxiliary aides and services are available upon
request for individuals with disabilities.*

*Interpretive services are also available for
persons with limited English proficiency.*



**For free professional help in finding a job,
an internship or job training opportunities, visit a
Department of Labor American Job Center near you!**

BARRE

McFarland State Office Bldg.
5 Perry Street, Suite 200
Barre, VT 05641
Telephone: 802-476-2600

BENNINGTON

200 Veterans Memorial Drive
Suite 2
Bennington, VT 05201
Telephone: 802-442-6376

BRATTLEBORO

State Office Building
232 Main Street
Brattleboro, VT 05301
Telephone: 802-254-4555

BURLINGTON

63 Pearl Street
Burlington, VT 05401-4331
Telephone: 802-863-7676

MIDDLEBURY

1590 Rte. 7 South, Suite 5
Middlebury, VT 05753
Telephone: 802-388-4921

MORRISVILLE

197 Harrel Street
Morrisville, VT 05661-4491
Telephone: 802-888-4545

NEWPORT

Emory E. Hebard State Office Bldg.
100 Main Street, Suite 210
Newport, VT 05855
Telephone: 802-334-6545

RANDOLPH

50 Randolph Avenue
Randolph, VT 05060
Telephone: 802-476-2600
(By appointment only)

RUTLAND

200 Asa Bloomer Building
Rutland, VT 05701
Telephone: 802-786-5837

SPRINGFIELD

56 Main Street, Suite 101
Springfield, VT 05156-2910
Telephone: 802-885-2167

ST. ALBANS

27 Federal Street, Suite 100
St. Albans, VT 05478-2246
Telephone: 802-524-6585

ST. JOHNSBURY

1197 Main Street
Suite 1
St. Johnsbury, VT 05819
Telephone: 802-748-3177

WHITE RIVER JUNCTION

118 Prospect Street, Suite 302
Hartford, VT 05047
Telephone: 802-295-8805



To learn more about the
Vermont Department of Labor,
download a QR code app on
your smartphone and scan
this code.



POSTING OF SAFETY RECORDS NOTICE TO EMPLOYEES

Under Vermont law (21 V.S.A. §691a) all Vermont employers must advise their employees of where they may review the employer's record of workplace safety, including workplace injury and illness. The employer's data shall be available for review by any employee and by the Commissioner of Labor, but this information shall not otherwise be public information.

The employer's data is available at:

(Location)

Employer Contact:

(Name)

Work Telephone: _____

Email: _____

For more information, contact the Vermont Department of Labor at (802) 828-2286.

PAY DAY NOTICE

Regular Pay Days for Employees of _____
(Firm Name)

shall be as follows:

_____ Weekly _____ Bi-Weekly _____ Semi Monthly _____ Monthly

Pay Checks will be distributed at

(Place of Distribution)

This is in accordance with Vermont State Law

By _____ Title _____

EMERGENCY PHONE NUMBERS

For

(Please Give Exact address of This Worksite Location)

Physicians: _____

Hospitals: _____

Ambulances: 911 or _____

Fire Department 911 or: _____

Police: 911 or _____

PLEASE POST IN A CONSPICUOUS LOCATION

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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



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 1½ 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 the FLSA.

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 the Department of Labor.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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



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.

DISABILITY

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.

AGE

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.

GENETICS

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 applicants, employees, or their family members; the manifestation 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 employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

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 employment.

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 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

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 Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections 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 employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

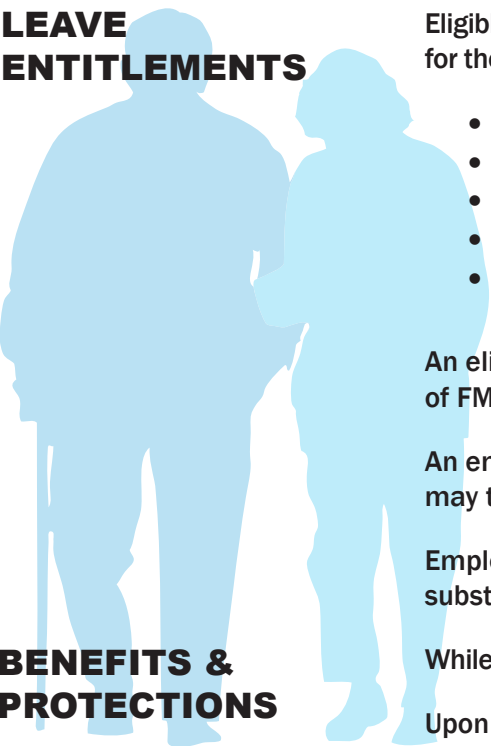
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without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

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 assistance.

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.

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.

BENEFITS & PROTECTIONS

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.

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.

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.

EMPLOYER RESPONSIBILITIES

ENFORCEMENT



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





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 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 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.

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 without 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 <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 an employer for violations of USERRA.

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: <http://www.dol.gov/vets/programs/userra/poster.htm>. 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 they customarily place notices for employees.



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



U.S. Department of Justice



Office of Special Counsel



**EMPLOYER SUPPORT OF
THE GUARD AND RESERVE**
1-800-336-4590

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