

WEST VIRGINIA

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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.



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NOTICE

THE WEST VIRGINIA HUMAN RIGHTS ACT

Prohibits Discrimination in Employment and Places of Public Accommodations Based On:
Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness , or Disability

THE WEST VIRGINIA FAIR HOUSING ACT

Prohibits Discrimination in Housing Based On:
Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability , Familial Status

THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT

Prohibits Discrimination in Employment Based On:
Pregnancy , Childbirth or Related Medical Conditions

For Further Information or to File a Complaint, Visit, Call or Write to the WV Human Rights Commission at:



WV Human Rights Commission
Room 108 A
1321 Plaza East
Charleston, WV 25301-1400

Phone: 304-558-2616
(Toll Free) 888-676-5546
Fax: 304-558-0085
Website: www.hrc.wv.gov



ENROLLED

H.B. 4140

(By Delegate S. Cook)

(Passed March 11, 1994; in effect ninety days from passage)

AN ACT to amend three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees.

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-one of the code of west Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES

§21-3-10a Meal Breaks.

During the course of a workday of six or more hours. All employers shall make available at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat while working.

TITLE 42, SERIES 8: MINIMUM WAGE AND MAXIMUM HOUR STANDARDS

§42-8-9.9 Rest Periods:

Rest Periods of short duration, running from (5) to (20) minutes, must be counted as hours worked.

TITLE 42, SERIES 5: WAGE PAYMENT AND COLLECTION ACT

§42-5-2 Definitions 2.6

“Break Periods and/or Rest Periods” means when authorized by an employer, break periods and/or rest periods which do not exceed (20) minutes duration must be counted as hours worked.

ARTICLE 6: CHILD LABOR LAW

§ 21-6-7. Hours and days of labor by minors.

No child under the age of sixteen years shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to interrupt a continuous period of work.

WEST VIRGINIA MINIMUM WAGE REQUIREMENTS

Effective January 1, 2015

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law.

Required Minimum Wage Rates

1. Beginning July 1, 2008, employers must pay employees at least \$7.25 per hour.
2. **Beginning January 1, 2015**, employers must pay employees at least \$8.00 per hour.
3. **Beginning January 1, 2016**, employers must pay employees at least \$8.75 per hour.

Required Minimum Training Wage Rates

1. An employer may pay an employee under the age of 20 years, first hired on or after July 1, 2006, a training wage of at least \$5.15 per hour for the first 90 days of employment.
2. An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training wage of at least \$6.40 per hour for the first 90 days of employment.
3. Beginning with the 91st day of employment, an employer must pay the employee the required minimum wage rate.

Permissible Minimum Wage Credit for Tipped Employees

1. **Beginning January 1, 2015**, employers may take up to a 70% credit, or \$5.60 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.40 per hour.
2. **Beginning January 1, 2016**, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour.
3. **To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.**

If you have any questions, please contact the
West Virginia Division of Labor
State Capitol Complex, Building 6, Room B-749, Charleston, WV 25305
telephone - 304.558.7890
email - wageandhour@wv.gov

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East, State Capitol Complex
Building 3, Room 200, Charleston, WV 25305

Phone (304) 558-7890

www.labor.wv.gov

Fax (304) 558-3797



PARENTAL LEAVE ACT NOTICE TO ALL EMPLOYEES

PARENTAL LEAVE ACT – (W. Va. Code §21-5D-1, *et. seq.*). This legislation, enacted in 1989, covers employees of all departments, divisions, boards, bureaus, agencies, commissions or other units of State Government and County Boards of Education.

Under this law, an employee shall be entitled to a total of 12 weeks of unpaid *Parental Leave* following the exhaustion of all his or her annual and personal leave, during any 12 month period. The unpaid leave shall be granted to an employee for any of the following reasons:

- The birth of a son or daughter of the employee
- The placement of a son or daughter with the employee for adoption
- To care for the employee's son or daughter, spouse, parent, or dependent who has a serious health condition

The statute further states that in the case of a serious health condition, the leave may be taken intermittently when medically necessary.

If a leave of absence due to the birth or adoption of a child is foreseeable, the employee shall provide the employer with a two weeks written notice. If a leave of absence is foreseeable due to planned medical treatment or medical supervision, the employee shall make a reasonable effort to schedule the leave of absence so as not to disrupt the operations of the employer, subject to the approval of the health care provider.

If an employee requests *Parental Leave* to care for a family member with a serious health condition, the employer may require the employee to provide certification by a health care provider of the family member's health condition and that the employee's assistance is necessary. The certification shall be sufficient if it contains the following:

- That the child, dependent, parent, or employee has a serious health condition
- The date the serious health condition commenced and its probable duration
- The medical facts regarding the serious health condition, upon release by the patient

The position held by an employee immediately before the leave of absence shall be held and the employee shall be returned to that position upon his or her return to work. However, the employer may hire a temporary employee to fill the position for the period of time the employee is off work.

No employer may, because an employee received *Parental Leave*, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

WORKFORCE West Virginia

NOTICE TO EMPLOYEES—UNEMPLOYMENT BENEFITS

TOTAL UNEMPLOYMENT

You are considered totally unemployed during any week in which you are totally separated from your employment, performing no services for which wages or other remuneration were paid to you.

You must file your initial claim for total unemployment in person. Since a claim for unemployment compensation is effective the Sunday of the week in which it is filed, you should file your claim immediately after you are separated from your employment. You will be instructed on filing your continued claim. Your options for filing continued claims will include telephone or web filing.

PARTIAL UNEMPLOYMENT

You would be considered partially unemployed if you have been working fulltime, but due to business being slow, a breakdown of equipment, or similar reasons, your employer has to reduce your hours during the week. You may be entitled to partial unemployment benefits during this week if you earned less than what your weekly unemployment benefit amount would be plus \$60. Under these conditions, your employer should issue a Low Earnings Report for the week, showing your gross wages. You must complete the claims portion of the Low Earnings Report and file it with the local unemployment office as directed on the form.

ELIGIBILITY REQUIREMENTS

To be monetarily eligible to receive unemployment benefits you must have earned \$200 gross wages in covered employment during two or more calendar quarters of your regular base period (first four of the last five completed calendar quarters) or alternative base period (the last four quarters immediately preceding the first day of the individual's benefit year).

ELIGIBILITY REQUIREMENTS - OTHER

- * If you are unemployed, you shall be eligible to receive benefits only if:
- * You have made a claim for benefits at a local unemployment office.
- * You have registered for work with the Job Service Office and continue to report as directed.
- * You are able to work and available for full-time work for which you are fitted by prior training or experience.
- * You are doing what a reasonable prudent person in your situation would do to find work.
- * You have filed for and served a waiting period of one week during your benefit year.
- * You have earned gross wages of less than your weekly

benefit amount plus \$60 during the week for which you claim benefits.

* You requalify on a new claim when you had a previous benefit year (must have earned eight times your old weekly benefit amount in covered employment after the beginning of your previous claim).

DISQUALIFICATIONS

You may be disqualified from drawing benefits:

1. If you leave work voluntarily without good cause involving fault on the part of your employer.
2. If you are discharged for misconduct.
3. If you fail without good cause to apply for available suitable work, to accept suitable work when offered, or to return to your customary selfemployment when directed to do so.
4. If you are unemployed due to a labor dispute.
5. For the week for which you receive wages in lieu of notice or Workers' Compensation for temporary total disability.
6. For the week for which you receive unemployment compensation under the laws of another state or of the United States.

7. For any week you are training, participating, or preparing to participate in sports or athletic events if there is reasonable assurance you will perform such services in the current or upcoming seasons.

8. If you are an employee of an educational institution or educational service agency, for any week of unemployment which commences during: a paid sabbatical leave; a holiday or vacation period between two academic years or terms, if you perform services in the first academic year or term or prior to the beginning of a holiday or vacation period and there is a contract or a reasonable assurance that you will perform services in the second academic year or term or after a holiday or vacation period. (EXCEPTION: If you have sufficient nonschool wages in your base period to qualify for benefits based upon the non-school wages only, you may be entitled to benefits during this period.)

9. For any week on the basis of services performed as an alien, unless you are lawfully residing in the United States and have a valid permit to work.

10. If you leave work voluntarily to attend school or other educational institution, or are waiting to enter school or an educational institution.
11. For each week in which you are unemployed because of your request or that of your duly-authorized agent for a

vacation at a specified time that leaves your employer no other alternative but to suspend operations.

12. For the week in which you receive any annuity, pension, or other retirement pay from a base period employer, or from a fund towards which a base period employer has contributed. If your remuneration is less than the unemployment benefits otherwise due you, your unemployment benefits will be reduced by the amount of your annuity, pension, etc.

13. For each week in which and for 52 weeks thereafter, if the commissioner finds that you, within the preceding 24 months, knowingly made a false statement or failed to reveal a material fact in order to obtain or increase or attempt to obtain or increase a benefit; and you shall be considered guilty of a misdemeanor and may be subject to severe penalties.

Neither the full effect nor the duration of a disqualification is given here in detail.

SOCIAL SECURITY NUMBER

Bring your Social Security Card with you when you report to the local office. Your Social Security Number will only be printed on the most pertinent documents.

VOLUNTARY INCOME TAX WITHHOLDING PROGRAM

Unemployment compensation benefits are subject to Federal income tax and there are requirements relating to estimated tax payments. You may choose to have Federal income tax deducted and withheld from any unemployment benefits paid to you.

CLAIMS OFFICES

These **FULL-TIME CLAIMS OFFICES** are operated Monday through

Friday each week:

BECKLEY	LOGAN	SOUTH BRANCH
CHARLESTON	MARTINSBURG	SUMMERSVILLE
CLARKSBURG	MERCER COUNTY	WEIRTON
ELKINS	MORGANTOWN	WELCH
FAIRMONT	PARKERSBURG	WHEELING
HUNTINGTON		

*The days and hours for these **ITINERANT POINTS** vary. For exact schedule, inquire at any claims office.

CLAY	PT. PLEASANT
GREENBRIER VALLEY	SPENCER
KINGWOOD	WEBSTER SPRINGS
MARLINTON	WESTON
MONTGOMERY	WILLIAMSON
NEW MARTINSVILLE	

***ITINERANT POINTS** are subject to change.

Unemployment Compensation Benefit Rate Table

Wave Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate	Wave Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate	Wave Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate
1	Under \$2,200	ineligible		162	26,350.00 - 26,499.99	276.00	7,254.00	216	34,450.00 - 34,599.99	365.00	9,490.00
2	2,250.00 - 2,349.99	24.00	624.00	163	26,500.00 - 26,649.99	281.00	7,306.00	217	34,600.00 - 34,749.99	368.00	9,516.00
3	2,350.00 - 2,499.99	25.00	650.00	164	26,650.00 - 26,799.99	282.00	7,332.00	218	34,750.00 - 34,899.99	366.00	9,568.00
4	2,500.00 - 2,649.99	27.00	702.00	165	26,800.00 - 26,949.99	285.00	7,384.00	219	34,900.00 - 35,049.99	369.00	9,594.00
5	2,650.00 - 2,799.99	28.00	728.00	166	26,950.00 - 27,099.99	288.00	7,410.00	220	35,050.00 - 35,199.99	371.00	9,646.00
6	2,800.00 - 2,949.99	30.00	780.00	167	27,100.00 - 27,249.99	287.00	7,462.00	221	35,200.00 - 35,349.99	373.00	9,698.00
7	2,950.00 - 3,099.99	31.00	806.00	168	27,250.00 - 27,399.99	289.00	7,514.00	222	35,350.00 - 35,499.99	374.00	9,724.00
8	3,100.00 - 3,249.99	33.00	858.00	169	27,400.00 - 27,549.99	290.00	7,540.00	223	35,500.00 - 35,649.99	376.00	9,776.00
9	3,250.00 - 3,399.99	35.00	910.00	170	27,550.00 - 27,699.99	292.00	7,592.00	224	35,650.00 - 35,799.99	377.00	9,802.00
10	3,400.00 - 3,549.99	36.00	936.00	171	27,700.00 - 27,849.99	293.00	7,618.00	225	35,800.00 - 35,949.99	379.00	9,854.00
11	3,550.00 - 3,699.99	38.00	988.00	172	27,850.00 - 27,999.99	295.00	7,670.00	226	35,950.00 - 36,099.99	381.00	9,906.00
12	3,700.00 - 3,849.99	39.00	1,014.00	173	28,000.00 - 28,149.99	296.00	7,696.00	227	36,100.00 - 36,249.99	382.00	9,932.00
13	3,850.00 - 3,999.99	41.00	1,066.00	174	28,150.00 - 28,299.99	298.00	7,748.00	228	36,250.00 - 36,399.99	384.00	9,984.00
14	4,000.00 - 4,149.99	43.00	1,118.00	175	28,300.00 - 28,449.99	300.00	7,800.00	229	36,400.00 - 36,549.99	385.00	10,010.00
15	4,150.00 - 4,299.99	44.00	1,144.00	176	28,450.00 - 28,599.99	301.00	7,826.00	230	36,550.00 - 36,699.99	387.00	10,062.00
16	4,300.00 - 4,449.99	46.00	1,196.00	177	28,600.00 - 28,749.99	303.00	7,878.00	231	36,700.00 - 36,849.99	388.00	10,088.00
17	4,450.00 - 4,599.99	47.00	1,222.00	178	28,750.00 - 28,899.99	304.00	7,904.00	232	36,850.00 - 36,999.99	390.00	10,140.00
18	4,500.00 - 4,749.99	49.00	1,274.00	179	28,900.00 - 29,049.99	306.00	7,956.00	233	37,000.00 - 37,149.99	392.00	10,192.00
19	4,750.00 - 4,899.99	51.00	1,326.00	180	29,050.00 - 29,199.99	308.00	8,008.00	234	37,150.00 - 37,299.99	393.00	10,218.00
20	4,900.00 - 5,049.99	52.00	1,352.00	181	29,200.00 - 29,349.99	309.00	8,034.00	235	37,300.00 - 37,449.99	395.00	10,270.00
21	5,050.00 - 5,199.99	54.00	1,404.00	182	29,350.00 - 29,499.99	311.00	8,086.00	236	37,450.00 - 37,599.99	396.00	10,296.00
22	5,200.00 - 5,349.99	55.00	1,430.00	183	29,500.00 - 29,649.99	312.00	8,112.00	237	37,600.00 - 37,749.99	398.00	10,348.00
23	5,350.00 - 5,499.99	57.00	1,482.00	184	29,650.00 - 29,799.99	314.00	8,164.00	238	37,750.00 - 37,899.99	400.00	10,400.00
24	5,500.00 - 5,649.99	58.00	1,508.00	185	29,800.00 - 29,949.99	315.00	8,190.00	239	37,900.00 - 38,049.99	401.00	10,426.00
25	5,650.00 - 5,799.99	60.00	1,560.00	186	29,950.00 - 30,099.99	317.00	8,242.00	240	38,050.00 - 38,199.99	403.00	10,478.00
26	5,800.00 - 5,949.99	62.00	1,612.00	187	30,100.00 - 30,249.99	319.00	8,294.00	241	38,200.00 - 38,349.99	404.00	10,504.00
27	5,950.00 - 6,099.99	63.00	1,638.00	188	30,250.00 - 30,399.99	320.00	8,320.00	242	38,350.00 - 38,499.99	406.00	10,556.00
28	6,100.00 - 6,249.99	65.00	1,690.00	189	30,400.00 - 30,549.99	322.00	8,372.00	243	38,500.00 - 38,649.99	408.00	10,608.00
29	6,250.00 - 6,399.99	66.00	1,716.00	190	30,550.00 - 30,699.99	323.00	8,398.00	244	38,650.00 - 38,799.99	409.00	10,634.00
30	6,400.00 - 6,549.99	68.00	1,768.00	191	30,700.00 - 30,849.99	325.00	8,450.00	245	38,800.00 - 38,949.99	411.00	10,686.00
31	6,550.00 - 6,699.99	70.00	1,820.00	192	30,850.00 - 30,999.99	327.00	8,502.00	246	38,950.00 - 39,099.99	412.00	10,712.00
32	6,700.00 - 6,849.99	71.00	1,846.00	193	31,000.00 - 31,149.99	328.00	8,528.00	247	39,100.00 - 39,249.99	414.00	10,764.00
33	6,850.00 - 6,999.99	73.00	1,898.00	194	31,150.00 - 31,299.99	330.00	8,580.00	248	39,250.00 - 39,399.99	415.00	10,790.00
34	7,000.00 - 7,149.99	74.00	1,924.00	195	31,300.00 - 31,449.99	331.00	8,606.00	249	39,400.00 - 39,549.99	417.00	10,842.00
35	7,150.00 - 7,299.99	76.00	1,976.00	196	31,450.00 - 31,599.99	333.00	8,658.00	250	39,550.00 - 39,699.99	419.00	10,894.00
36	7,300.00 - 7,449.99	78.00	2,028.00	197	31,600.00 - 31,749.99	335.00	8,710.00	251	39,700.00 - 39,849.99	420.00	10,920.00
37	7,450.00 - 7,599.99	79.00	2,054.00	198	31,750.00 - 31,899.99	336.00	8,736.00	252	39,850.00 - 39,999.99	422.00	10,972.00
38	7,600.00 - 7,749.99	81.00	2,106.00	199	31,900.00 - 32,049.99	338.00	8,788.00	253	39,950.00 - 40,149.99	423.00	10,968.00
39	7,750.00 - 7,899.99	82.00	2,132.00	200	32,050.00 - 32,199.99	339.00	8,814.00	254	40,150.00 - and above	424.00	11,024.00
40	7,900.00 - 8,049.99	84.00	2,184.00	201	32,200.00 - 32,349.99	341.00	8,866.00				
41	8,050.00 - 8,199.99	85.00	2,210.00	202	32,350.00 - 32,499.99	342.00	8,892.00				
42	8,200.00 - 8,349.99	87.00	2,262.00	203	32,500.00 - 32,649.99	344.00	8,944.00				
43	8,350.00 - 8,499.99	89.00	2,314.00	204	32,650.00 - 32,799.99	346.00	8,996.00				
44	8,500.00 - 8,649.99	90.00	2,340.00	205	32,800.00 - 32,949.99	347.00	9,022.00				
45	8,650.00 - 8,799.99	92.00	2,392.00	206	32,950.00 - 33,099.99	349.00	9,074.00				
46	8,800.00 - 8,949.99	93.00	2,418.00	207	33,100.00 - 33,249.99	350.00	9,100.00				
47	8,950.00 - 9,099.99	95.00	2,470.00	208	33,250.00 - 33,399.99	352.00	9,152.00				
48	9,100.00 - 9,249.99	97.00	2,522.00	209	33,400.00 - 33,549.99	354.00	9,204.00				
49	9,250.00 - 9,399.99	98.00	2,548.00	210	33,550.00 - 33,699.99	355.00	9,230.00				
50	9,400.00 - 9,549.99	100.00	2,600.00	211	33,700.00 - 33,849.99	357.00	9,282.00				
51	9,550.00 - 9,699.99	101.00	2,626.00	212	33,850.00 - 33,999.99	358.00	9,308.00				
52	9,700.00 - 9,849.99	103.00	2,678.00	213	34,000.00 - 34,149.99	360.00	9,360.00				
53	9,850.00 - 9,999.99	104.00	2,704.00	214	34,150.00 - 34,299.99	361.00	9,386.00				
54	10,000.00 - 10,149.99	106.00	2,756.00	215	34,300.00 - 34,449.99	363.00	9,438.00				

WVUC-B-59, effective July 1, 2013

THE WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT

**This abstract must be placed in an area accessible to all employees in accordance
with the requirements of W. Va. Code §21-5-9.**

REQUIRES THE EMPLOYER TO:

Pay employee wages at least twice a month, with no more than 19 days between paydays (W. Va. Code §21-5-3(a)).

Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with a bank convenient to the place of employment for employees to have immediate access to their wages (W. Va. Code §21-5-4(a)).

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment (W. Va. Code §21-5-4(b)).

On separation from employment, pay an employee the fringe benefits due and payable according to the time, terms, and conditions of an employer-employee agreement, whether verbal or written, if any (W. Va. Code §21-5-4(b)).

Notify employees in writing at the time of hire, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding vacation, sick leave and other fringe benefits, if any (W. Va. Code §21-5-9).

Provide employees with at least 1 full pay period's written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for meeting payroll, or any other existing terms or conditions of employment (W. Va. Code St. R. §42-5-4.2.)).

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay period (W. Va. Code §21-5-9)).

PREVENTS THE EMPLOYER FROM:

Selling goods or supplies to employees at prices higher than the current market value (W. Va. Code §21-5-5).

Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid for union or club dues, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical insurance) (W. Va. Code 21-5-3(e)).

Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted, and state that 75% of the employee's net wages are exempt from assignment (W. Va. Code §21-5-3(e)).

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee (W. Va. Code §21-5-8a).

WEST VIRGINIA DIVISION OF LABOR
1900 KANAWHA BOULEVARD EAST
CAPITOL COMPLEX
BUILDING 3, ROOM 200
CHARLESTON, WEST VIRGINIA 25305
304.558.7890
wageandhour@wv.gov
www.labor.wv.gov

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 West Virginia 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

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.

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.

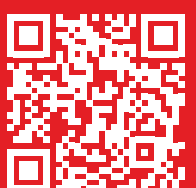
ADDITIONAL INFORMATION

- 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
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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.



U.S. Department of Labor



**Occupational Safety
and Health Administration**

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 work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative

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.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.

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.

This poster is available free from OSHA.

Contact OSHA. We can help.

- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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.

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.

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.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

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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