

# 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](http://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.***

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#### 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.*

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#### 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.*

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### **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 DIVISION OF LABOR

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

Telephone: (304)558-7890

[labor.wv.gov](http://labor.wv.gov)

Fax: (304)558-3797



## MINIMUM WAGE REQUIREMENTS

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, §21-5C.

### Required Minimum Wage Rate

- Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

### Required Minimum Training Wage Rate

- 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.
- Beginning with the 91<sup>st</sup> day of employment, an employer must pay the employee the required minimum wage rate.

### Permissible Minimum Wage Credit for Tipped Employees

- 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.
- 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.

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## PARENTAL LEAVE ACT

**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 full-time, 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 \$2200 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).

- ❖ You must participate in profiling and reemployment services when selected.

### **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 self-employment 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

| Wage Class | Wages in Base Period  | Weekly Benefit Rate | Maximum Benefit Rate | Wage Class | Wages in Base Period  | Weekly Benefit Rate | Maximum Benefit Rate | Wage Class | Wages in Base Period  | Weekly Benefit Rate | Maximum Benefit Rate | Wage Class | Wages in Base Period  | Weekly Benefit Rate | Maximum Benefit Rate |
|------------|-----------------------|---------------------|----------------------|------------|-----------------------|---------------------|----------------------|------------|-----------------------|---------------------|----------------------|------------|-----------------------|---------------------|----------------------|
|            | Under \$2,200         | ineligible          |                      | 64         | 11,650.00 - 11,799.99 | 124.00              | 3,224.00             | 128        | 21,250.00 - 21,399.99 | 225.00              | 5,850.00             | 192        | 30,850.00 - 30,999.99 | 327.00              | 8,502.00             |
| 1          | \$2,200.00 - 2,349.99 | 24.00               | 624.00               | 65         | 11,800.00 - 11,949.99 | 125.00              | 3,250.00             | 129        | 21,400.00 - 21,549.99 | 227.00              | 5,902.00             | 193        | 31,000.00 - 31,149.99 | 328.00              | 8,528.00             |
| 2          | 2,350.00 - 2,499.99   | 25.00               | 650.00               | 66         | 11,950.00 - 12,099.99 | 127.00              | 3,302.00             | 130        | 21,550.00 - 21,699.99 | 228.00              | 5,928.00             | 194        | 31,150.00 - 31,299.99 | 330.00              | 8,580.00             |
| 3          | 2,500.00 - 2,649.99   | 27.00               | 702.00               | 67         | 12,100.00 - 12,249.99 | 128.00              | 3,328.00             | 131        | 21,700.00 - 21,849.99 | 230.00              | 5,980.00             | 195        | 31,300.00 - 31,449.99 | 331.00              | 8,606.00             |
| 4          | 2,650.00 - 2,799.99   | 28.00               | 728.00               | 68         | 12,250.00 - 12,399.99 | 130.00              | 3,380.00             | 132        | 21,850.00 - 21,999.99 | 231.00              | 6,006.00             | 196        | 31,450.00 - 31,599.99 | 333.00              | 8,658.00             |
| 5          | 2,800.00 - 2,949.99   | 30.00               | 780.00               | 69         | 12,400.00 - 12,549.99 | 131.00              | 3,406.00             | 133        | 22,000.00 - 22,149.99 | 233.00              | 6,058.00             | 197        | 31,600.00 - 31,749.99 | 335.00              | 8,710.00             |
| 6          | 2,950.00 - 3,099.99   | 31.00               | 806.00               | 70         | 12,550.00 - 12,699.99 | 133.00              | 3,458.00             | 134        | 22,150.00 - 22,299.99 | 235.00              | 6,110.00             | 198        | 31,750.00 - 31,899.99 | 336.00              | 8,736.00             |
| 7          | 3,100.00 - 3,249.99   | 33.00               | 858.00               | 71         | 12,700.00 - 12,849.99 | 135.00              | 3,510.00             | 135        | 22,300.00 - 22,449.99 | 236.00              | 6,136.00             | 199        | 31,900.00 - 32,049.99 | 338.00              | 8,788.00             |
| 8          | 3,250.00 - 3,399.99   | 35.00               | 910.00               | 72         | 12,850.00 - 12,999.99 | 136.00              | 3,536.00             | 136        | 22,450.00 - 22,599.99 | 238.00              | 6,188.00             | 200        | 32,050.00 - 32,199.99 | 339.00              | 8,814.00             |
| 9          | 3,400.00 - 3,549.99   | 36.00               | 936.00               | 73         | 13,000.00 - 13,149.99 | 138.00              | 3,588.00             | 137        | 22,600.00 - 22,749.99 | 239.00              | 6,214.00             | 201        | 32,200.00 - 32,349.99 | 341.00              | 8,866.00             |
| 10         | 3,550.00 - 3,699.99   | 38.00               | 988.00               | 74         | 13,150.00 - 13,299.99 | 139.00              | 3,614.00             | 138        | 22,750.00 - 22,899.99 | 241.00              | 6,266.00             | 202        | 32,350.00 - 32,499.99 | 342.00              | 8,892.00             |
| 11         | 3,700.00 - 3,849.99   | 39.00               | 1,014.00             | 75         | 13,300.00 - 13,449.99 | 141.00              | 3,666.00             | 139        | 22,900.00 - 23,049.99 | 243.00              | 6,318.00             | 203        | 32,500.00 - 32,649.99 | 344.00              | 8,944.00             |
| 12         | 3,850.00 - 3,999.99   | 41.00               | 1,066.00             | 76         | 13,450.00 - 13,599.99 | 143.00              | 3,718.00             | 140        | 23,050.00 - 23,199.99 | 244.00              | 6,344.00             | 204        | 32,650.00 - 32,799.99 | 346.00              | 8,996.00             |
| 13         | 4,000.00 - 4,149.99   | 43.00               | 1,118.00             | 77         | 13,600.00 - 13,749.99 | 144.00              | 3,744.00             | 141        | 23,200.00 - 23,349.99 | 246.00              | 6,396.00             | 205        | 32,800.00 - 32,949.99 | 347.00              | 9,022.00             |
| 14         | 4,150.00 - 4,299.99   | 44.00               | 1,144.00             | 78         | 13,750.00 - 13,899.99 | 146.00              | 3,796.00             | 142        | 23,350.00 - 23,499.99 | 247.00              | 6,422.00             | 206        | 32,950.00 - 33,099.99 | 349.00              | 9,074.00             |
| 15         | 4,300.00 - 4,449.99   | 46.00               | 1,196.00             | 79         | 13,900.00 - 14,049.99 | 147.00              | 3,822.00             | 143        | 23,500.00 - 23,649.99 | 249.00              | 6,474.00             | 207        | 33,100.00 - 33,249.99 | 350.00              | 9,100.00             |
| 16         | 4,450.00 - 4,599.99   | 47.00               | 1,222.00             | 80         | 14,050.00 - 14,199.99 | 149.00              | 3,874.00             | 144        | 23,650.00 - 23,799.99 | 250.00              | 6,500.00             | 208        | 33,250.00 - 33,399.99 | 352.00              | 9,152.00             |
| 17         | 4,600.00 - 4,749.99   | 49.00               | 1,274.00             | 81         | 14,200.00 - 14,349.99 | 150.00              | 3,900.00             | 145        | 23,800.00 - 23,949.99 | 252.00              | 6,552.00             | 209        | 33,400.00 - 33,549.99 | 354.00              | 9,204.00             |
| 18         | 4,750.00 - 4,899.99   | 51.00               | 1,326.00             | 82         | 14,350.00 - 14,499.99 | 152.00              | 3,952.00             | 146        | 23,950.00 - 24,099.99 | 254.00              | 6,604.00             | 210        | 33,550.00 - 33,699.99 | 355.00              | 9,230.00             |
| 19         | 4,900.00 - 5,049.99   | 52.00               | 1,352.00             | 83         | 14,500.00 - 14,649.99 | 154.00              | 4,004.00             | 147        | 24,100.00 - 24,249.99 | 255.00              | 6,630.00             | 211        | 33,700.00 - 33,849.99 | 357.00              | 9,282.00             |
| 20         | 5,050.00 - 5,199.99   | 54.00               | 1,404.00             | 84         | 14,650.00 - 14,799.99 | 155.00              | 4,030.00             | 148        | 24,250.00 - 24,399.99 | 257.00              | 6,682.00             | 212        | 33,850.00 - 33,999.99 | 358.00              | 9,308.00             |
| 21         | 5,200.00 - 5,349.99   | 55.00               | 1,430.00             | 85         | 14,800.00 - 14,949.99 | 157.00              | 4,082.00             | 149        | 24,400.00 - 24,549.99 | 258.00              | 6,708.00             | 213        | 34,000.00 - 34,149.99 | 360.00              | 9,360.00             |
| 22         | 5,350.00 - 5,499.99   | 57.00               | 1,482.00             | 86         | 14,950.00 - 15,099.99 | 158.00              | 4,108.00             | 150        | 24,550.00 - 24,699.99 | 260.00              | 6,760.00             | 214        | 34,150.00 - 34,299.99 | 361.00              | 9,386.00             |
| 23         | 5,500.00 - 5,649.99   | 58.00               | 1,508.00             | 87         | 15,100.00 - 15,249.99 | 160.00              | 4,160.00             | 151        | 24,700.00 - 24,849.99 | 262.00              | 6,812.00             | 215        | 34,300.00 - 34,449.99 | 363.00              | 9,438.00             |
| 24         | 5,650.00 - 5,799.99   | 60.00               | 1,560.00             | 88         | 15,250.00 - 15,399.99 | 162.00              | 4,212.00             | 152        | 24,850.00 - 24,999.99 | 263.00              | 6,838.00             | 216        | 34,450.00 - 34,599.99 | 365.00              | 9,490.00             |
| 25         | 5,800.00 - 5,949.99   | 62.00               | 1,612.00             | 89         | 15,400.00 - 15,549.99 | 163.00              | 4,238.00             | 153        | 25,000.00 - 25,149.99 | 265.00              | 6,890.00             | 217        | 34,600.00 - 34,749.99 | 366.00              | 9,516.00             |
| 26         | 5,950.00 - 6,099.99   | 63.00               | 1,638.00             | 90         | 15,550.00 - 15,699.99 | 165.00              | 4,290.00             | 154        | 25,150.00 - 25,299.99 | 266.00              | 6,916.00             | 218        | 34,750.00 - 34,899.99 | 368.00              | 9,568.00             |
| 27         | 6,100.00 - 6,249.99   | 65.00               | 1,690.00             | 91         | 15,700.00 - 15,849.99 | 166.00              | 4,316.00             | 155        | 25,300.00 - 25,449.99 | 268.00              | 6,968.00             | 219        | 34,900.00 - 35,049.99 | 369.00              | 9,594.00             |
| 28         | 6,250.00 - 6,399.99   | 66.00               | 1,716.00             | 92         | 15,850.00 - 15,999.99 | 168.00              | 4,368.00             | 156        | 25,450.00 - 25,599.99 | 269.00              | 6,994.00             | 220        | 35,050.00 - 35,199.99 | 371.00              | 9,646.00             |
| 29         | 6,400.00 - 6,549.99   | 68.00               | 1,768.00             | 93         | 16,000.00 - 16,149.99 | 170.00              | 4,420.00             | 157        | 25,600.00 - 25,749.99 | 271.00              | 7,046.00             | 221        | 35,200.00 - 35,349.99 | 373.00              | 9,698.00             |
| 30         | 6,550.00 - 6,699.99   | 70.00               | 1,820.00             | 94         | 16,150.00 - 16,299.99 | 171.00              | 4,446.00             | 158        | 25,750.00 - 25,899.99 | 273.00              | 7,098.00             | 222        | 35,350.00 - 35,499.99 | 374.00              | 9,724.00             |
| 31         | 6,700.00 - 6,849.99   | 71.00               | 1,846.00             | 95         | 16,300.00 - 16,449.99 | 173.00              | 4,498.00             | 159        | 25,900.00 - 26,049.99 | 274.00              | 7,124.00             | 223        | 35,500.00 - 35,649.99 | 376.00              | 9,776.00             |
| 32         | 6,850.00 - 6,999.99   | 73.00               | 1,898.00             | 96         | 16,450.00 - 16,599.99 | 174.00              | 4,524.00             | 160        | 26,050.00 - 26,199.99 | 276.00              | 7,176.00             | 224        | 35,650.00 - 35,799.99 | 377.00              | 9,802.00             |
| 33         | 7,000.00 - 7,149.99   | 74.00               | 1,924.00             | 97         | 16,600.00 - 16,749.99 | 176.00              | 4,576.00             | 161        | 26,200.00 - 26,349.99 | 277.00              | 7,202.00             | 225        | 35,800.00 - 35,949.99 | 379.00              | 9,854.00             |
| 34         | 7,150.00 - 7,299.99   | 76.00               | 1,976.00             | 98         | 16,750.00 - 16,899.99 | 177.00              | 4,602.00             | 162        | 26,350.00 - 26,499.99 | 279.00              | 7,254.00             | 226        | 35,950.00 - 36,099.99 | 381.00              | 9,906.00             |
| 35         | 7,300.00 - 7,449.99   | 78.00               | 2,028.00             | 99         | 16,900.00 - 17,049.99 | 179.00              | 4,654.00             | 163        | 26,500.00 - 26,649.99 | 281.00              | 7,306.00             | 227        | 36,100.00 - 36,249.99 | 382.00              | 9,932.00             |
| 36         | 7,450.00 - 7,599.99   | 79.00               | 2,054.00             | 100        | 17,050.00 - 17,199.99 | 181.00              | 4,706.00             | 164        | 26,650.00 - 26,799.99 | 282.00              | 7,332.00             | 228        | 36,250.00 - 36,399.99 | 384.00              | 9,984.00             |
| 37         | 7,600.00 - 7,749.99   | 81.00               | 2,106.00             | 101        | 17,200.00 - 17,349.99 | 182.00              | 4,732.00             | 165        | 26,800.00 - 26,949.99 | 284.00              | 7,384.00             | 229        | 36,400.00 - 36,549.99 | 385.00              | 10,010.00            |
| 38         | 7,750.00 - 7,899.99   | 82.00               | 2,132.00             | 102        | 17,350.00 - 17,499.99 | 184.00              | 4,784.00             | 166        | 26,950.00 - 27,099.99 | 285.00              | 7,410.00             | 230        | 36,550.00 - 36,699.99 | 387.00              | 10,062.00            |
| 39         | 7,900.00 - 8,049.99   | 84.00               | 2,184.00             | 103        | 17,500.00 - 17,649.99 | 185.00              | 4,810.00             | 167        | 27,100.00 - 27,249.99 | 287.00              | 7,462.00             | 231        | 36,700.00 - 36,849.99 | 388.00              | 10,088.00            |
| 40         | 8,050.00 - 8,199.99   | 85.00               | 2,210.00             | 104        | 17,650.00 - 17,799.99 | 187.00              | 4,862.00             | 168        | 27,250.00 - 27,399.99 | 289.00              | 7,514.00             | 232        | 36,850.00 - 36,999.99 | 390.00              | 10,140.00            |
| 41         | 8,200.00 - 8,349.99   | 87.00               | 2,262.00             | 105        | 17,800.00 - 17,949.99 | 189.00              | 4,914.00             | 169        | 27,400.00 - 27,549.99 | 290.00              | 7,540.00             | 233        | 37,000.00 - 37,149.99 | 392.00              | 10,192.00            |
| 42         | 8,350.00 - 8,499.99   | 89.00               | 2,314.00             | 106        | 17,950.00 - 18,099.99 | 190.00              | 4,940.00             | 170        | 27,550.00 - 27,699.99 | 292.00              | 7,592.00             | 234        | 37,150.00 - 37,299.99 | 393.00              | 10,218.00            |
| 43         | 8,500.00 - 8,649.99   | 90.00               | 2,340.00             | 107        | 18,100.00 - 18,249.99 | 192.00              | 4,992.00             | 171        | 27,700.00 - 27,849.99 | 293.00              | 7,618.00             | 235        | 37,300.00 - 37,449.99 | 395.00              | 10,270.00            |
| 44         | 8,650.00 - 8,799.99   | 92.00               | 2,392.00             | 108        | 18,250.00 - 18,399.99 | 193.00              | 5,018.00             | 172        | 27,850.00 - 27,999.99 | 295.00              | 7,670.00             | 236        | 37,450.00 - 37,599.99 | 396.00              | 10,296.00            |
| 45         | 8,800.00 - 8,949.99   | 93.00               | 2,418.00             | 109        | 18,400.00 - 18,549.99 | 195.00              | 5,070.00             | 173        | 28,000.00 - 28,149.99 | 296.00              | 7,696.00             | 237        | 37,600.00 - 37,749.99 | 398.00              | 10,348.00            |
| 46         | 8,950.00 - 9,099.99   | 95.00               | 2,470.00             | 110        | 18,550.00 - 18,699.99 | 196.00              | 5,096.00             | 174        | 28,150.00 - 28,299.99 | 298.00              | 7,748.00             | 238        | 37,750.00 - 37,899.99 | 400.00              | 10,400.00            |
| 47         | 9,100.00 - 9,249.99   | 97.00               | 2,522.00             | 111        | 18,700.00 - 18,849.99 | 198.00              | 5,148.00             | 175        | 28,300.00 - 28,449.99 | 300.00              | 7,800.00             | 239        | 37,900.00 - 38,049.99 | 401.00              | 10,426.00            |
| 48         | 9,250.00 - 9,399.99   | 98.00               | 2,548.00             | 112        | 18,850.00 - 18,999.99 | 200.00              | 5,200.00             | 176        | 28,450.00 - 28,599.99 | 301.00              | 7,826.00             | 240        | 38,050.00 - 38,199.99 | 403.00              | 10,478.00            |
| 49         | 9,400.00 - 9,549.99   | 100.00              | 2,600.00             | 113        | 19,000.00 - 19,149.99 | 201.00              | 5,226.00             | 177        | 28,600.00 - 28,749.99 | 303.00              | 7,878.00             | 241        | 38,200.00 - 38,349.99 | 404.00              | 10,504.00            |
| 50         | 9,550.00 - 9,699.99   | 101.00              | 2,626.00             | 114        | 19,150.00 - 19,299.99 | 203.00              | 5,278.00             | 178        | 28,750.00 - 28,899.99 | 304.00              | 7,904.00             | 242        | 38,350.00 - 38,499.99 | 406.00              | 10,556.00            |
| 51         | 9,700.00 - 9,849.99   | 103.00              | 2,678.00             | 115        | 19,300.00 - 19,449.99 | 204.00              | 5,304.00             | 179        | 28,900.00 - 29,049.99 | 306.00              | 7,956.00             | 243        | 38,500.00 - 38,649.99 | 408.00              | 10,608.00            |
| 52         | 9,850.00 - 9,999.99   | 104.00              | 2,704.00             | 116        | 19,450.00 - 19,599.99 | 206.00              | 5,356.00             | 180        | 29,050.00 - 29,199.99 | 308.00              | 8,008.00             | 244        | 38,650.00 - 38,799.99 | 409.00              | 10,634.00            |
| 53         | 10,000.00 - 10,149.99 | 106.00              | 2,                   |            |                       |                     |                      |            |                       |                     |                      |            |                       |                     |                      |

# WEST VIRGINIA DIVISION OF LABOR

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

Telephone: (304)558-7890

[labor.wv.gov](http://labor.wv.gov)

Fax: (304)558-3797



## 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.**

### **§21-5 REQUIRES THE EMPLOYER TO:**

Pay employee wages at least twice a month, with no more than 19 days between paydays.

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.

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.

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.

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.

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.

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay period.

### **§21-5 PREVENTS THE EMPLOYER FROM:**

Selling goods or supplies to employees at prices higher than the current market value.

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).

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.

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.



# 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**

# STATESTATESTATESTATE

## Package Contents:

### State Notices:

- State Notices

### Federal Notices:

- Pay Transparency
- Paid Sick Leave for Federal Contractors
- E-Verify / Right to Work
- Employee Rights on Government Contracts
- Walsh-Healey Act
- Employee Rights, Workers with Disabilities
- Davis-Bacon Act
- Federal Contractor Minimum Wage
- Federal Employee Polygraph Protection Act
- Federal Equal Employment Opportunity
- EEO Supplement
- Federal Family Medical Leave Act
- Federal Fair Labor Standards Act
- Federal Occupational Safety and Health Association
- Federal USERRA
- Federal NLRA

### 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.**

1156 N. Gilbert St., Anaheim, CA 92801

P: 714-521-7720 F: 714-521-7728

[www.allinoneposters.com](http://www.allinoneposters.com)

[sales@allinoneposters.com](mailto:sales@allinoneposters.com)

# PAY TRANSPARENCY

## NONDISCRIMINATION PROVISION

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c)

If you believe that you have experienced discrimination contact OFCCP  
1.800.397.6251 | TTY 1.877.889.5627 | [www.dol.gov/ofccp](http://www.dol.gov/ofccp)



200 CONSTITUTION AVENUE NW | WASHINGTON, DC 20210 | tel: 1-800-397-6251 | TTY: 1-877-889-5627 | [www.dol.gov/ofccp](http://www.dol.gov/ofccp)

# WORKER RIGHTS UNDER EXECUTIVE ORDER 13706

## PAID SICK LEAVE FOR FEDERAL CONTRACTORS

**ONE HOUR OF PAID SICK LEAVE FOR EVERY 30 HOURS WORKED, UP TO 56 HOURS EACH YEAR**

### PAID SICK LEAVE

Executive Order 13706, Establishing Paid Sick Leave for Federal Contractors, requires certain employers that contract with the Federal Government to provide employees working on or in connection with those contracts with 1 hour of paid sick leave for every 30 hours they work—up to 56 hours of paid sick leave each year.

Employees must be permitted to use paid sick leave for their own illness, injury, or other health-related needs, including preventive care; to assist a family member who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member who is the victim of, domestic violence, sexual assault, or stalking.

Employers are required to inform employees of their paid sick leave balances and must approve all valid requests to use paid sick leave. Rules about when and how employees should ask to use paid sick leave also apply. More information about the paid sick leave requirements is available at [www.dol.gov/whd/govcontracts/eo13706](http://www.dol.gov/whd/govcontracts/eo13706)

### ENFORCEMENT

The Wage and Hour Division (WHD), which is responsible for making sure employers comply with Executive Order 13706, has offices across the country. WHD can answer questions, in person or by telephone, about your workplace rights and protections. WHD can investigate employers and recover wages to which workers may be entitled. All services are free and confidential. If you are unable to file a complaint in English, WHD will accept the complaint in any language.

The law prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Executive Order.

### ADDITIONAL INFORMATION

Executive Order 13706 applies to new contracts and replacements for expiring contracts with the Federal Government starting January 1, 2017. It applies to federal contracts for construction and many types of federal contracts for services.

Some state and local laws also require that employees be provided with paid sick leave. Employers must comply with all applicable requirements.



WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR [www.dol.gov/whd/govcontracts](http://www.dol.gov/whd/govcontracts)

1-866-487-9243

TTY: 1-877-889-5627



# This Organization Participates in E-Verify

# Esta Organización Participa en E-Verify



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

## E-Verify Works for Everyone

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS.

Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU..

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

## E-Verify Funciona Para Todos

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.

**888-897-7781**

[dhs.gov/e-verify](https://dhs.gov/e-verify)

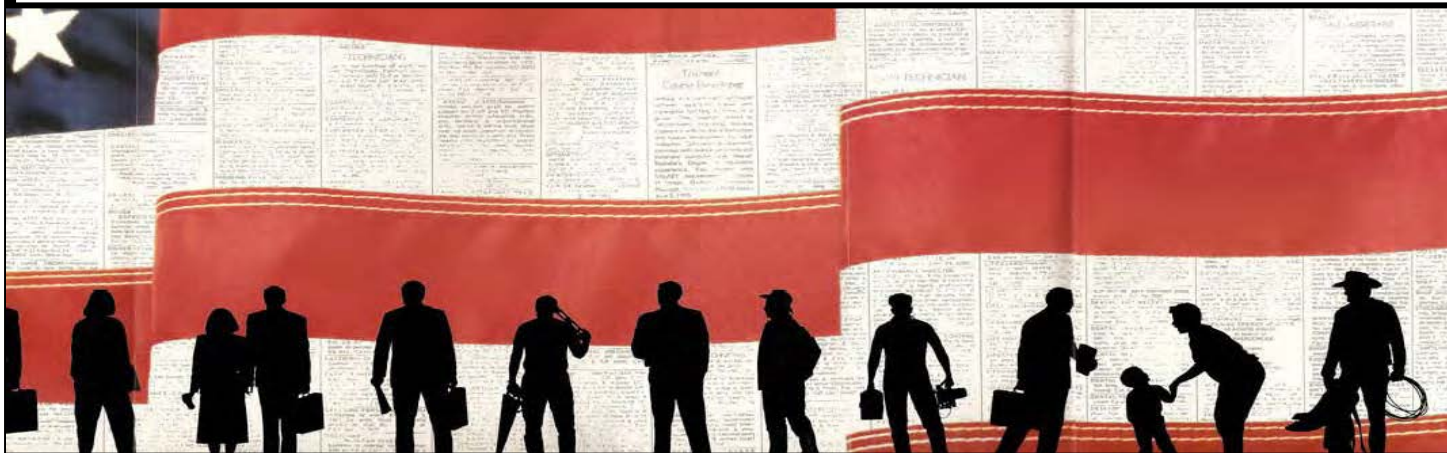


**E-VERIFY IS A SERVICE OF DHS AND SSA**

The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.



# IF YOU HAVE THE RIGHT TO WORK



## Don't let anyone take it away.

There are laws to protect you from discrimination in the workplace.

### You should know that...

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.

### Contact IER

For assistance in your own language  
Phone: 1-800-255-7688  
TTY: 1-800-237-2515

Email us  
[IER@usdoj.gov](mailto:IER@usdoj.gov)

Or write to  
U.S. Department of Justice – CRT  
Immigrant and Employee Rights – NYA  
950 Pennsylvania Ave., NW  
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).



— DEPARTMENT OF JUSTICE —  
IMMIGRANT & EMPLOYEE RIGHTS SECTION  
— CIVIL RIGHTS DIVISION —

## Immigrant and Employee Rights Section

U.S. Department of Justice, Civil Rights Division

[www.justice.gov/ier](http://www.justice.gov/ier)



# EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

THIS ESTABLISHMENT IS PERFORMING GOVERNMENT CONTRACT WORK SUBJECT TO:  
(CHECK ONE)

- ☐ **SERVICE CONTRACT ACT (SCA)**
- ☐ **PUBLIC CONTRACTS ACT (PCA)**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MINIMUM WAGES</b>       | <p>Your rate must be no less than the federal minimum wage established by the Fair Labor Standards Act (FLSA).</p> <p>A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this notice.</p>                                                                                                                                                                                                                                  |
| <b>FRINGE BENEFITS</b>     | <p>SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.</p>                                                                                                                                                                                                                                                                                                                                                                            |
| <b>OVERTIME PAY</b>        | <p>You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.</p>                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>CHILD LABOR</b>         | <p>No person under 16 years of age may be employed on a PCA contract.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>SAFETY &amp; HEALTH</b> | <p>Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.</p>                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>ENFORCEMENT</b>         | <p>Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information, contact the <b>Wage and Hour Division (WHD)</b> by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit <b><a href="http://www.dol.gov/whd">www.dol.gov/whd</a></b></p> <p>Contact the <b>Occupational Safety and Health Administration (OSHA)</b> by calling 1-800-321-OSHA (1-800-321-6742), or visit <b><a href="http://www.osha.gov">www.osha.gov</a></b></p> |



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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



# U.S. DEPARTMENT OF LABOR

The purpose of the discussion below is to advise contractors which are subject to the Walsh-Healey Public Contracts Act or the Service Contract Act of the principal provisions of these acts.

## WALSH-HEALEY PUBLIC CONTRACTS ACT

**General Provisions**—This act applies to contracts which exceed or may exceed \$10,000 entered into by any agency or instrumentality of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment. The act establishes minimum wage, maximum hours, and safety and health standards for work on such contracts, and prohibits the employment on contract work of convict labor (unless certain conditions are met) and children under 16 years of age. The employment of homeworkers (except homeworkers with disabilities employed under the provisions of Regulations, 29 CFR Part 525) on a covered contract is not permitted.

In addition to its coverage of prime contractors, the act under certain circumstances applies to secondary contractors performing work under contracts awarded by the Government prime contractor.

All provisions of the act except the safety and health requirements are administered by the Wage and Hour Division.

**Minimum Wage**—Covered employees must currently be paid not less than the Federal minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime**—Covered workers must be paid at least one and one-half times their basic rate of pay for all hours worked in excess of 40 a week. Overtime is due on the basis of the total hours spent in all work, Government and non-Government, performed by the employee in any week in which covered work is performed.

**Child Labor**—Employers may protect themselves against unintentional child labor violations by obtaining certificates of age. State employment or age certificates are acceptable.

**Safety and Health**—No covered work may be performed in plants, factories, buildings, or surroundings or under work conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in the performance of the contract. The safety and health provisions of the Walsh-Healey Public Contracts Act are administered by the Occupational Safety and Health Administration.

**Posting**—During the period that covered work is being performed on a contract subject to the act, the contractor must post copies of Notice to Employees Working on Government Contracts in a sufficient number of places to permit employees to observe a copy on the way to or from their place of employment.

**Responsibility for Secondary Contractors**—Prime contractors are liable for violations of the act committed by their covered secondary contractors.

## SERVICE CONTRACT ACT

**General Provisions**—The Service Contract Act applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Contractors and subcontractors performing on such Federal contracts must observe minimum wage and safety and health standards, and must maintain certain records, unless a specific exemption applies.

**Wages and Fringe Benefits**—Every service employee performing any of the Government contract work under a service contract in excess of \$2,500 must be paid not less than the monetary wages, and must be furnished the fringe benefits, which the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working or the wage rates and fringe benefits (including any accrued or prospective wage rates and fringe benefits) contained in a predecessor contractor's collective bargaining agreement. The wage rates and fringe benefits required are usually specified in the contract but in no case may employees doing work necessary for the performance of the contract be paid less than the minimum wage established in section 6(a)(1) of the Fair Labor Standards Act. Service contracts which do not exceed \$2,500 are not subject to prevailing rate determinations or to the safety and health requirements of the act. However, the act does require that employees performing work on such contracts be paid not less than the minimum wage rate established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime**—The Fair Labor Standards Act and the Contract Work Hours Safety Standards Act may require the payment of overtime at time and one-half the regular rate of pay for all hours work on the contract in excess of 40 a week. The Contract Work Hours Safety Standards Act is more limited in scope than the Fair Labor Standards Act and generally applies to Government contracts in excess of \$100,000 that require or involve the employment of laborers, mechanics, guards, watchmen.

**Safety and Health**—The act provides that no part of the services in contracts in excess of \$2,500 may be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services. The safety and health provisions of the Service Contract Act are administered by the Occupational Safety and Health Administration.

**Notice to Employees**—On the date a service employee commences work on a contract in excess of \$2,500, the contractor (or subcontractor) must provide the employee with a notice of the compensation required by the act. The posting of the notice (including any applicable wage determination) contained on the reverse in a location where it may be seen by all employees performing on the contract will satisfy this requirement.

**Notice in Subcontracts**—The contractor is required to insert in all subcontracts the labor standards clauses specified by the regulations in 29 CFR Part 4 for Federal service contracts exceeding \$2,500.

**Responsibility for Secondary Contractors**—Prime contractors are liable for violations of the act committed by their covered secondary contractors.

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**Other Obligations**—Observance of the labor standards of these acts does not relieve the employer of any obligation he may have under any other laws or agreements providing for higher labor standards.

**Additional Information**—Additional Information and copies of the acts and applicable regulations and interpretations may be obtained from the nearest office of the Wage and Hour Division or the national office in Washington, D.C. Information pertaining to safety and health standards may be obtained from the nearest office of the Occupational Safety and Health Administration or the national office in Washington, D.C.

# EMPLOYEE RIGHTS

## FOR WORKERS WITH DISABILITIES

### PAID AT SUBMINIMUM WAGES

This establishment has a certificate authorizing the payment of subminimum wages to workers who are disabled for the work they are performing. Authority to pay subminimum wages to workers with disabilities generally applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such subminimum wages are referred to as “commensurate wage rates” and are less than the basic hourly rates stated in an SCA wage determination and/or less than the FLSA minimum wage of **\$7.25 per hour**. A “commensurate wage rate” is based on the worker’s individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

*Employers shall make this poster available and display it where employees and the parents and guardians of workers with disabilities can readily see it.*

### WORKERS WITH DISABILITIES

Subminimum wages under section 14(c) are not applicable unless a worker’s disability actually impairs the worker’s earning or productive capacity for the work being performed. The fact that a worker may have a disability is not in and of itself sufficient to warrant the payment of a subminimum wage.

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as: An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.

Disabilities which may affect productive capacity include an intellectual or developmental disability, psychiatric disability, a hearing or visual impairment, and certain other impairments. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

### WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

### KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever there is a change in the job or a change in the prevailing wage rate, such as when the applicable state or federal minimum wage is increased.

### WIOA

The Workforce Innovation and Opportunity Act of 2014 (WIOA) amended the Rehabilitation Act by adding section 511, which places limitations on the payment of subminimum wages to individuals with disabilities by mandating the completion of certain requirements prior to and during the payment of a subminimum wage.

### EXECUTIVE ORDER 13658

Executive Order 13658, Establishing a Minimum Wage for Contractors, established a minimum wage that generally must be paid to workers performing on or in connection with a covered contract with the Federal Government. Workers covered by this Executive Order and due the full Executive Order minimum wage include workers with disabilities whose wages are calculated pursuant to certificates issued under section 14(c) of the FLSA.

### FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the SCA wage determination.

### OVERTIME

Generally, if a worker is performing work subject to the FLSA, SCA, and/or PCA, that worker must be paid at least 1 1/2 times their regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

Minors younger than 18 years of age must be employed in accordance with the child labor provisions of the FLSA. No persons under 16 years of age may be employed in manufacturing or on a PCA contract.

### PETITION PROCESS

Workers with disabilities paid at subminimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, D.C. 20210.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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





# EMPLOYEE RIGHTS

## UNDER THE DAVIS-BACON ACT

### FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

**PREVAILING  
WAGES**

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

**OVERTIME**

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

**ENFORCEMENT**

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

**APPRENTICES**

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

**PROPER PAY**

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor’s Wage and Hour Division.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
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# WORKER RIGHTS UNDER EXECUTIVE ORDER 13658

## FEDERAL MINIMUM WAGE FOR CONTRACTORS

# \$10.60

PER HOUR

EFFECTIVE JANUARY 1, 2019 – DECEMBER 31, 2019

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

**MINIMUM WAGE** Executive Order 13658 (EO) requires that federal contractors pay workers performing work on or in connection with covered contracts at least (1) \$10.10 per hour beginning January 1, 2015, and (2) beginning January 1, 2016, and every year thereafter, an inflation-adjusted amount determined by the Secretary of Labor in accordance with the EO and appropriate regulations. The EO hourly minimum wage in effect from January 1, 2019 through December 31, 2019 is \$10.60.

**TIPS** Covered tipped employees must be paid a cash wage of at least \$7.40 per hour effective January 1, 2019-December 31, 2019. If a worker's tips combined with the required cash wage of at least \$7.40 per hour paid by the contractor do not equal the EO hourly minimum wage for contractors, the contractor must increase the cash wage paid to make up the difference. Certain other conditions must also be met.

**EXCLUSIONS**

- Some workers who provide support "in connection with" covered contracts for less than 20 percent of their hours worked in a week may not be entitled to the EO minimum wage.
- Certain full-time students, learners, and apprentices who are employed under subminimum wage certificates are not entitled to the EO minimum wage.
- Workers employed on contracts for seasonal recreational services or seasonal recreational equipment rental for the general public on federal lands, except when the workers are performing associated lodging and food services, are not entitled to the EO minimum wage.
- Certain other occupations and workers are also exempt from the EO.

**ENFORCEMENT** The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for enforcing the EO. WHD can answer questions, in person or by telephone, about your workplace rights and protections. We can investigate employers, recover wages to which workers may be entitled, and pursue appropriate sanctions against covered contractors. All services are free and confidential. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the EO. If you are unable to file a complaint in English, WHD will accept the complaint in any language. You can find your nearest WHD office at <https://www.dol.gov/whd/local/>.

**ADDITIONAL INFORMATION**

- The EO applies only to new federal construction and service contracts, as defined by the Secretary in the regulations.
- Workers with disabilities whose wages are governed by special certificates issued under section 14(c) of the Fair Labor Standards Act must also receive no less than the full EO minimum wage rate.
- Some state or local laws may provide greater worker protections; employers must comply with both.
- More information about the EO is available at: [www.dol.gov/whd/flsa/eo13658](http://www.dol.gov/whd/flsa/eo13658).



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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# 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  
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[www.dol.gov/whd](http://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](http://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](http://www.eeoc.gov).

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## 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](mailto: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.

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## 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.

# “EEO is the Law” Poster Supplement

## Employers Holding Federal Contracts or Subcontracts Section Revisions

*The Executive Order 11246 section is revised as follows:*

### **RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **PAY SECRECY**

Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

*The Individuals with Disabilities section is revised as follows:*

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination 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 to the employer. 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.

*The Vietnam Era, Special Disabled Veterans section is revised as follows:*

### **PROTECTED VETERANS**

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

*Mandatory Supplement to EEOC P/E-1(Revised 11/09) “EEO is the Law” Poster.*

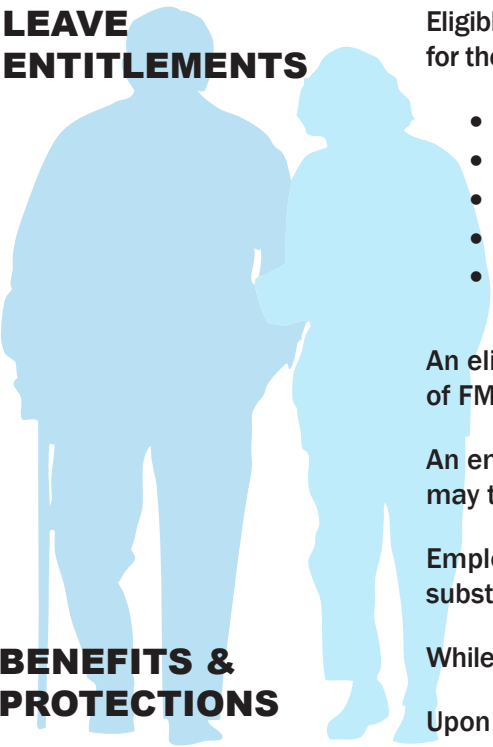
If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | [www.dol.gov](http://www.dol.gov).



# 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 one 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.

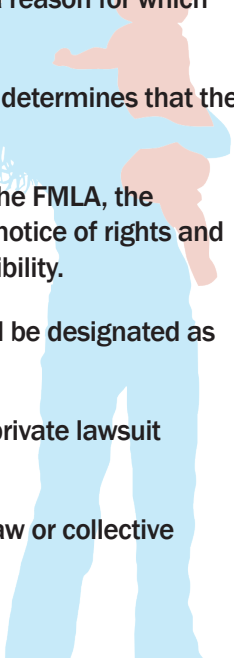
Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

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



# 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.

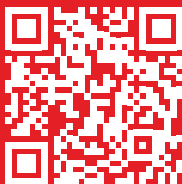
**ADDITIONAL INFORMATION**

- 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  
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[www.dol.gov/whd](http://www.dol.gov/whd)







# 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.



**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**



# 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**



**1-800-336-4590**

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# EMPLOYEE RIGHTS

## UNDER THE NATIONAL LABOR RELATIONS ACT

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA\* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

### **Under the NLRA, you have the right to:**

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

### **Under the NLRA, it is illegal for your employer to:**

- Prohibit you from soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.

### **Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:**

- Threaten you that you will lose your job unless you support the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.



- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

- Take other adverse action against you based on whether you have joined or support the union

If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

**Illegal conduct will not be permitted.** If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: [www.nlrb.gov](http://www.nlrb.gov).

Click on the NLRB's page titled "About Us," which contains a link, "Locating Our Offices." You can also contact the NLRB by calling toll-free: **1-866-667-NLRB (6572)** or (TTY) **1-866-315-NLRB (6572)** for hearing impaired.

**\*The National Labor Relations Act covers most private-sector employers.** Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

This is an official Government Notice and must not be defaced by anyone.



**U.S. Department of Labor**