

# WASHINGTON

## Package Contents:

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- Federal Family Medical Leave Act
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## Package Instructions:

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



**ALL IN ONE POSTER COMPANY, INC.**

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# Washington State Law Prohibits Discrimination in Employment

## Protected Classes

- Race
- Color
- National Origin
- Sex
- Creed
- Disability—Sensory, Mental or Physical
- HIV, AIDS, and Hepatitis C
- Age (40 yrs old and older)
- Marital Status
- Pregnancy or maternity
- Sexual Orientation or Gender Identity
- Use of a service animal by a person with a disability
- Honorably discharged Veteran or Military status
- Retaliation for filing a whistleblower complaint with the state auditor
- Retaliation for filing a nursing home abuse complaint
- Retaliation for opposing an unfair practice

## PROHIBITED UNFAIR EMPLOYMENT PRACTICES

**AN EMPLOYER OF EIGHT (8) OR MORE EMPLOYEES MAY NOT DISCRIMINATE ON THE BASIS OF A PROTECTED CLASS:  
FOR EXAMPLE, AN EMPLOYER CANNOT:**

- *Refuse to hire you or discharge you from employment*
- *Discriminate in compensation or other terms or conditions of employment*
- *Print, circulate, or use any discriminatory statement, advertisement, publication, or job application form*
- *Make any discriminatory inquiries in connection with prospective employment.*

**LABOR UNIONS MAY NOT DISCRIMINATE ON THE BASIS OF A PROTECTED CLASS.**

**FOR EXAMPLE, A LABOR UNION CANNOT:**

- *Deny membership or membership rights and privileges*
- *Expel from membership*
- *Fail to represent a person in the collective bargaining unit.*

**EMPLOYMENT AGENCIES MAY NOT DISCRIMINATE ON THE BASIS OF A PROTECTED CLASS.**

**FOR EXAMPLE, AN EMPLOYMENT AGENCY MAY NOT:**

- *Discriminate in classification or referrals for employment*
- *Print or circulate any discriminatory statement, advertisement, or publication*
- *Use discriminatory employment application forms, or make discriminatory inquiries in connection with prospective employment.*

**If you have been discriminated  
against, please call or go to:**

**1-800-233-3247 or [www.hum.wa.gov](http://www.hum.wa.gov)**

Washington State  
Human Rights Commission



## **2019 minimum wage: \$12 per hour**

Washington's minimum wage will be \$12 per hour beginning Jan. 1, 2019. Workers who are 14 or 15 years old may be paid 85% of the adult minimum wage, or \$10.20 per hour.

For more information about Washington's minimum wage law, see the required workplace poster *Your Rights as a Worker* or visit [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights).

## It's the law!

Employers must post this notice where employees can read it.

## Wage and Overtime Laws

### Workers must be paid the Washington minimum wage

#### Need to know the current minimum wage?



Scan QR code at left or see "Contact L&I" below.

- Most workers who are 16 years of age or older must be paid at least the minimum wage for all hours worked.
- Workers who are 14 or 15 may be paid 85% of the minimum wage.

*Tips cannot be counted as part of the minimum wage.*

### Overtime pay is due when working more than 40 hours

Most workers must be paid one and one-half times their regular rate of pay for all hours worked over 40 in a fixed seven-day workweek. Agricultural workers are generally exempt from overtime.

## Workers Need Meal and Rest Breaks

### Meal period

Most workers are entitled to a 30-minute unpaid meal period if working more than five hours in a day. If you must remain on duty during your meal period, you must be paid for the 30 minutes. Agricultural workers are entitled to a second 30-minute unpaid meal period if they work more than 11 hours in a day.

### Breaks

- Most workers are entitled to a 10-minute paid rest break for each four hours worked and must not work more than three hours without a break.
- Agricultural workers must have a 10-minute paid rest break within each four-hour period of work.
- If you are under 18, see "Teen Corner" below.

## Pay Requirements

### Regular Payday

Workers must be paid at least once a month on a regularly scheduled payday. Your employer must give you a pay statement showing the number of hours worked, rate of pay, number of piece work units (if piece work), gross pay, the pay period and all deductions taken.

For more information regarding authorized deductions, go to [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights) and click on "Pay Requirements."

### Equal Pay Opportunity Act

Under this law, your employer is prohibited from providing unequal pay or career advancement opportunities based on gender. You also have the right to disclose, compare, or discuss your wages or the wages of other employees. Your employer cannot take any adverse action against you for discussing wages, filing a complaint, or exercising other protected rights under the Equal Pay Opportunity Act. For more information or to file a complaint, see: [www.Lni.wa.gov/EqualPay](http://www.Lni.wa.gov/EqualPay).

## Teen Corner – Information for Workers Ages 14–17

- The minimum age for work is generally 14, with different rules for ages 14–15 and for ages 16–17.
- Employers must have a minor work permit to employ teens. This requirement applies to family members except on family farms. Teens do not need a work permit.
- Teens are required to have authorization forms signed before they begin working. For summer employment, parents must sign the Parent Authorization for Summer Work form. If you work during the school year, a parent and a school official must sign the Parent/School Authorization form.
- Many jobs are not allowed for anyone under 18 because they are not safe.
- Work hours are limited for teens, with more restrictions on work hours during school weeks.

### Meal and rest breaks for teens

- In agricultural work, teens of any age get a meal period of 30 minutes if working more than five hours, and a 10-minute paid break for each four hours worked.
- In all other industries, teens who are 16 or 17 must have a 30-minute meal period if working more than five hours, and a 10-minute paid break for each four hours worked. They must have the rest break at least every three hours.
- Teens who are 14 or 15 must have a 30-minute meal period no later than the end of the fourth hour, and a 10-minute paid break for every two hours worked.

To find out more about teens in the workplace:

- Go to [www.Lni.wa.gov/TeenWorkers](http://www.Lni.wa.gov/TeenWorkers).
- Call toll-free: 1-866-219-7321.
- Email a question to [TeenSafety@Lni.wa.gov](mailto:TeenSafety@Lni.wa.gov).

## Leave Laws

### Paid sick leave (effective January 1, 2018)

Most workers earn a minimum of one hour of paid sick leave for every 40 hours worked. This leave may be used beginning on the 90th calendar day of employment. Employers must provide employees with a statement that includes their accrued, used and available hours of this leave at least once per month. This information may be provided on your regular pay statement or as a separate notification. Workers must be allowed to carry over a minimum of 40 hours of any unused paid sick leave to the following year. For details on authorized use, accrual details, and eligibility, see [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave).

### Washington Family Care Act: Use of paid leave to care for sick family

Employees are entitled to use their choice of any employer provided paid leave (sick, vacation, certain short-term disability plans, or other paid time off) to care for:

- A child with a health condition requiring treatment or supervision;
- A spouse, parent, parent-in-law, or grandparent with a serious health condition or an emergency health condition; and
- Children 18 years and older with disabilities that make them incapable of self-care.

### Washington Family Leave Act

This act provides additional leave for pregnancy and childbirth. It covers employers with 50 or more employees. Employees must have worked for an employer at least 1,250 hours in the previous 12 months to be eligible. For more information regarding qualifications and benefits, see [www.Lni.wa.gov/WorkplaceRights/LeaveBenefits](http://www.Lni.wa.gov/WorkplaceRights/LeaveBenefits).

Pregnancy disability leave is covered under the Washington State Law Against Discrimination (WLAD) and enforced by the Washington State Human Rights Commission: [www.hum.wa.gov](http://www.hum.wa.gov) or 1-800-233-3247.

Eligible employees can enforce their right to protected family and medical leave under the Family and Medical Leave Act (FMLA) by contacting the U.S. Department of Labor at: [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla) or 1-866-487-9243.

### Leave for victims of domestic violence, sexual assault or stalking

Victims and their family members are allowed to take reasonable leave from work for legal or law enforcement assistance, medical treatment, counseling, relocation, meetings with their crime victim advocate, or to protect their safety. Employers are also required to provide reasonable safety accommodations to victims. For more information, see [www.Lni.wa.gov/DomesticViolenceLeave](http://www.Lni.wa.gov/DomesticViolenceLeave).

### Leave for military spouses during deployment

Spouses or registered domestic partners of military personnel who receive notice to deploy or who are on leave from deployment during times of military conflict may take a total of 15 days unpaid leave per deployment.

**Your employer may not fire or retaliate against you for exercising your rights under, or filing a complaint alleging violations of, the Minimum Wage Act which includes paid sick leave or any of the protected leave laws.**

### Paid Family and Medical Leave

#### Administered by Washington's Employment Security Department

Starting in 2020, Washington will offer paid family and medical leave benefits to workers. This insurance program will be funded by premiums paid by both employees and many employers. Workers will be allowed to take up to 12 weeks, as needed, when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative, and for certain military connected events. As directed by the Legislature, premium assessment started on January 1, 2019 and benefits can be taken starting January 1, 2020. For more information, see: [paidleave.wa.gov](http://paidleave.wa.gov).

## Contact L&I

### Need more information?

#### Questions about filing a worker rights complaint?

Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)  
Call: 1-866-219-7321, toll-free  
Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)  
Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

### About required workplace posters

Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) to learn more about workplace posters from L&I and other government agencies.

## Human trafficking is against the law

For victim assistance, call the National Human Trafficking Resource Center at 1-888-373-7888, or the Washington State Office of Crime Victims Advocacy at 1-800-822-1067.

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

You may be eligible for  
**UNEMPLOYMENT  
BENEFITS**  
if you lose your job

Visit [www.esd.wa.gov](http://www.esd.wa.gov) to apply and click "Sign in or create an account"



### To apply for unemployment, you will need

- Your Social Security number.
- Names and addresses of everyone you worked for in the last 18 months.
- Dates you started and stopped working for each employer.
- Reasons you left each job.
- Your alien registration number if you are not a U.S. citizen.
- Your SF8 and SF50 (if you worked for the Federal Government in the last 18 months).
- Your Washington State ID or License, if applicable.

If you were in the military within the last 18 months, we will also ask you to fax or mail us a copy of your discharge papers (Form DD214 member 4 or higher).

### The fastest way to apply is online at [esd.wa.gov](http://esd.wa.gov)

If you don't have a home computer, you can access one at a WorkSource center or your local library.

### If you can't apply online, try contacting us over the phone

Call 800-318-6022. Persons with hearing or speaking impairments can call Washington Relay Service 711. We are available to help you Monday through Friday 8 a.m. to 4 p.m., except on state holidays. You may experience long wait times.

### You must look for work each week that you claim benefits

Visit WorkSource to find all the FREE resources you need to find a job. These include workshops, computers, copiers, phones, fax machines, Internet access, and job listings. Log onto [WorkSourceWA.com](http://WorkSourceWA.com) to find the nearest office.

If your work hours have been reduced to part-time, you may qualify for partial unemployment benefits.

If you have been unemployed due to a work-related injury or non-work-related illness or injury and are now able to work again, you may be eligible for Temporary Total Disability (TTD) unemployment benefits.

For more information, please refer to the Handbook for Unemployed Workers at [ESD.WA.GOV](http://ESD.WA.GOV).



**Employment  
Security  
Department**  
WASHINGTON STATE

Employers are legally required to post this notice in a place convenient for employees to read (see RCW 50.20.140).

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

**ESD.WA.GOV**

**It's the law!** Employers must post this notice where employees can read it.

(Revised Code of Washington 51.14.100)

## If a job injury occurs

Your employer is self-insured. You are entitled to all of the benefits required by the state of Washington's workers' compensation (industrial insurance) laws. These benefits include medical treatment and partial wage replacement if your work-related injury or disease requires you to miss work. Compliance with these laws is regulated by the Department of Labor & Industries (L&I).

## What you should do

**Report your injury.** If you are injured, no matter how minor the injury seems, contact the person listed on this poster.

**Get medical care.** The first time you see a doctor, you may choose any health-care provider who is qualified to treat your injury. For ongoing care, you must be treated by a doctor in the L&I medical network. (Find network providers at [www.Lni.wa.gov/FindADoc](http://www.Lni.wa.gov/FindADoc).)

Qualified health-care providers include: medical, osteopathic, chiropractic, naturopathic and podiatric physicians; dentists; optometrists; ophthalmologists; physician assistants; and advanced registered nurse practitioners.

**File your claim as soon as possible.** For an on-the-job injury, you must file a claim with your employer within one year after the day the injury occurred. For an occupational disease, you must file a claim within two years following the date you are advised by a health-care provider in writing that your condition is work related.

## To report an injury:

If you should become injured on the job or develop an occupational disease, immediately report your injury or condition to the person designated below:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

For additional information or help with a workers' compensation issue you can contact the Ombudsman for Self-Insured Injured Workers at 1-888-317-0493.

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

### About required workplace posters

Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) to learn more about workplace posters from L&I and other government agencies.

Self-Insurance Section  
Department of Labor & Industries  
P.O. Box 44890  
Olympia WA 98504-4890

**It's the law!** Employers must post this notice where employees can read it.

Every worker is entitled to workers' compensation benefits. You cannot be penalized or discriminated against for filing a claim. For more information, call toll-free **1-800-547-8367**.

## If a job injury occurs

Your employer is insured through the Department of Labor & Industries' workers' compensation program. If you are injured on the job or develop an occupational disease, you are entitled to workers' compensation benefits.

### Benefits include:

**Medical care.** Medical expenses resulting from your workplace injury or disease are covered by the workers' compensation program.

**Disability income.** If your work-related medical condition prevents you from working, you may be eligible for benefits to partially replace your wages.

**Vocational assistance.** Under certain conditions, you may be eligible for help in returning to work.

**Partial disability benefits.** You may be eligible for a monetary award to compensate for the loss of body functions.

**Pensions.** Injuries that permanently keep you from returning to work may qualify you for a disability pension.

**Death benefits for survivors.** If a worker dies, the surviving spouse or registered domestic partner and/or dependents may receive a pension.

## About required workplace posters

Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) to learn more about workplace posters from L&I and other government agencies.

## On the Web: [www.Lni.wa.gov](http://www.Lni.wa.gov)

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

## What you should do

**Report your injury.** If you are injured, no matter how minor the injury seems, contact the person listed on this poster.

**Get medical care.** The first time you see a doctor, you may choose any health-care provider who is qualified to treat your injury. For ongoing care, you must be treated by a doctor in the L&I medical network. (Find network providers at [www.Lni.wa.gov/FindADoc](http://www.Lni.wa.gov/FindADoc).)

Qualified health-care providers include: medical, osteopathic, chiropractic, naturopathic and podiatric physicians; dentists; optometrists; ophthalmologists; physician assistants; and advanced registered nurse practitioners.

**Tell your health-care provider and your employer about your work-related injury or condition.** The first step in filing a workers' compensation (industrial insurance) claim is to fill out a Report of Accident (ROA). You can do this online with FileFast ([www.Lni.wa.gov/FileFast](http://www.Lni.wa.gov/FileFast)), by phone at 1-877-561-FILE, or on paper in your doctor's office. Filing online or by phone speeds the claim and reduces hassle.

**File your claim as soon as possible.** For an on-the-job injury, you must file a claim and the Department of Labor & Industries (L&I) must receive it within one year after the day the injury occurred. For an occupational disease, you must file a claim and L&I must receive it within two years following the date you are advised by a health-care provider in writing that your condition is work related.

## Report your injury to:

(Your employer fills in this space.)

### Helpful phone numbers:

\_\_\_\_\_

Ambulance

\_\_\_\_\_

Fire

\_\_\_\_\_

Police



It's the law! Employers must post this notice where employees can read it.  
(Chapter 49.17 RCW)

All workers have the right to a safe and healthy workplace.

**Employees** — Your employer must protect you from hazards you encounter on the job, tell you about them and provide training.

**You have the right to:**

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection, without loss of wages or benefits.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- File a complaint with L&I within 30 days if you believe your employer fired you, or retaliated or discriminated against you because you filed a safety complaint, participated in an inspection or any other safety-related activity.
- Appeal a violation correction date if you believe the time allowed on the citation is not reasonable.

**Employers** — You have a legal obligation to protect employees on the job.

**Employers must provide workplaces free from recognized hazards that could cause employees serious harm or death.**

**Actions you must take:**

- Comply with all workplace safety and health rules that apply to your business, including developing and implementing a written accident prevention plan (also called an APP or safety program).
- Post this notice to inform your employees of their rights and responsibilities.
- Prior to job assignments, train employees how to prevent hazardous exposures and provide required personal protective equipment at no cost.
- Allow an employee representative to participate in an L&I safety/health inspection, without loss of wages or benefits. The L&I inspector may talk confidentially with a number of employees.
- If you are cited for safety and/or health violations, you must prominently display the citation at or near the place of the

**The law requires you to follow workplace safety and health rules that apply to your own actions and conduct on the job.**



## **Employers must report all deaths, in-patient hospitalizations, amputations or loss of an eye.**

Report any work-related death or in-patient hospitalization to L&I's Division of Occupational Safety and Health (DOSH) within 8 hours.

Report any work-related non-hospitalized amputation or loss of an eye to DOSH within 24 hours.

For any work-related death, in-patient hospitalization, amputation or loss of an eye, you must report the following information to DOSH:

- Employer contact person and phone number.
- Name of business.
- Address and location where the work-related incident occurred.
- Date and time of the incident.
- Number of employees and their names.
- Brief description of what happened.

### **Where to report:**

- Any local L&I office or
- 1-800-423-7233, press 1 (available 24/7)

promptly display the citation at or near the place of the violation for a minimum of three days. You cannot remove it until you correct the violation.

**Firing or discriminating against any employee for filing a complaint or participating in an inspection, investigation, or opening or closing conference is illegal.**

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This poster is available free from L&I at [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters).

**Free assistance from the Division of Occupational Safety and Health (DOSH)**

- Training and resources to promote safe workplaces.
- On-site consultations to help employers identify and fix hazards, and risk management help to lower your workers' compensation costs.



Division of Occupational Safety and Health



[www.Lni.wa.gov/Safety](http://www.Lni.wa.gov/Safety)



**1-800-423-7233**

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

PUBLICATION F416-081-909 [09-2015]

# Washington's Paid Family and Medical Leave program is starting soon.

## Let's all get ready to be there for care.

**Starting January 2019**, Washington employees and many employers will begin investing in a statewide program that will provide paid leave to give or receive care.

When the benefits begin in 2020, Paid Family and Medical Leave will support Washingtonians, whether they are recovering from a serious illness or injury, caring for a new child or helping an aging parent. It means workers won't have to choose between a paycheck and caring for their health and their family.

### What it is:

The program is mandatory because the spirit behind this benefit is one of understanding that at some time we all need—or need to give—extra care and attention.

### Who's eligible:

Nearly every Washington employee who works at least 820 hours (approximately 16 hours weekly) qualifies for the program. All paid work counts toward the 820 hours, including part-time, seasonal and temporary work. To learn more, visit [paidleave.wa.gov/workers](http://paidleave.wa.gov/workers).

### Benefit details:

- Allows up to 12 weeks of paid leave, or up to 18 weeks in certain circumstances.
- Workers receive between \$100 and \$1,000 per week, depending on income.

### Your contribution:

To build this insurance program, on January 1, 2019 you may see a premium set aside from your paycheck, like you see for Medicare. The total premium is 0.4% of your wages and may be shared between an employee and employer. For an employee earning \$50,000 a year, the maximum premium is just \$2.44 a week.

Visit [paidleave.wa.gov](http://paidleave.wa.gov) to calculate your contribution and learn more about how you can take time for care.

Washington  
**Paid Family &  
Medical Leave**

# Everyone deserves a healthy relationship



## No one ever deserves to be mistreated.

Abuse is a pattern of behavior that one person uses to gain power and control over another. These behaviors can include isolation, emotional abuse, monitoring, controlling finances, or physical and sexual assault.

Everyone should be free to make their own choices in relationships. If you are experiencing harm or need advice, call the National Domestic Violence Hotline. You can reach their advocates 24/7/365 to get the support you deserve. No names, no fees, and no judgement. Just help. 800-799-SAFE (7233) or 800-787-3224 (TTY).

[www.thehotline.org](http://www.thehotline.org)

You can also find a program in your area that can help. Find out more about what kind of help is available at [wscadv.org/get-help-now](http://wscadv.org/get-help-now).



**Employment Security Department**

WASHINGTON STATE

Workplace posters available at [esd.wa.gov](http://esd.wa.gov)

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

# 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 Washington State Law**

By \_\_\_\_\_ Title \_\_\_\_\_

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## EMERGENCY PHONE NUMBERS

**For**

\_\_\_\_\_  
(Please Give Exact address of This Worksite Location)

**Physicians:** \_\_\_\_\_

**Hospitals:** \_\_\_\_\_

**Ambulances: 911 or** \_\_\_\_\_

**Fire Department 911 or:** \_\_\_\_\_

**Police: 911 or** \_\_\_\_\_

**PLEASE POST IN A CONSPICUOUS LOCATION**

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

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

### PROHIBITIONS

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

### EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

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

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

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

### EXAMINEE RIGHTS

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

### ENFORCEMENT

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

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



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

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

**OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

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

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

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

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

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

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



# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

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

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

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

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

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

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

## EMPLOYER RESPONSIBILITIES

## ENFORCEMENT

For additional information or to file a complaint:

**1-866-4-USWAGE**

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

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

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





# YOUR RIGHTS UNDER USERRA

## THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ★ you ensure that your employer receives advance written or verbal notice of your service;
- ★ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ★ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ★ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ★ are a past or present member of the uniformed service;
- ★ have applied for membership in the uniformed service; or
- ★ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ★ initial employment;
- ★ reemployment;
- ★ retention in employment;
- ★ promotion; or
- ★ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

### HEALTH INSURANCE PROTECTION

- ★ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ★ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

- ★ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ★ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ★ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ★ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



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



**U.S. Department of Justice**



**Office of Special Counsel**



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

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