Safety and Health (OSHA)

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSH) Division.

The OSH Division has the following responsibilities and powers:

- **Inspections**—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.
- **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action.
- **Penalties**—An employer can be fined up to $7,000 for each “serious” violation. An additional maximum $7,000 penalty can be assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed. A penalty of up to $70,000 may be issued for each willful or repeat violation of an OSHA standard.
- **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least as strict as the federal standard.

A copy of any specific standard adopted by the OSH Division is available free of charge. The entire “General Industry” or “Construction Industry” standards are available for a nominal fee by calling 1-800-625-2267 or (919) 807-2875.

Employer Rights and Responsibilities

Public and private sector employers have a “general duty” to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

- **Inspections**—An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection. The employer has the right to accompany the inspector during the physical inspection.
- **Discrimination**—Any employer who retaliates in any way against an employee for filing a complaint or assisting an inspector is breaking the law. The department will investigate and may prosecute employers who take such action.
- **Citations**—If an OSHA inspection results in one or more citations, the employer is required to promptly and prominently display the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three days or until the violation has been corrected or abated, whichever is longer.
- **Contesting Penalties**—Once an employer has been cited, he or she may request an “informal conference” with OSHA officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received.
- **Reporting Accidents**—An employer has the legal right to refuse to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

Unemployment Insurance

NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the local Employment Security Office or the N.C. Employment Security Commission at N.C. Employment Security Commission, Unemployment Insurance Division, P.O. Box 25903, Raleigh, NC 27611-5903, 1-866-278-3822, www.ncecc.com.

N.C. Workers’ Compensation Notice to Injured Workers and Employers (Form 17)

NCDOL does not handle matters relating to workers’ compensation. If you would like information about workers’ compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340, (919) 807-2500, www.ic.nc.gov. Employers, please note that Form 17 was revised effective 2/2009. It must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission Web site. To download and print Form 17, visit www.ic.nc.gov.

Employee Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

- **Complaints**—An employer who retaliates in any way against an employee for filing a complaint or assisting an inspector is breaking the law. The department will investigate and may prosecute employers who take such action.
- **Reporting Accidents**—An employer has the legal right to refuse to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

Other OSHA Information

- **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state’s administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6750, Atlanta, GA 30303.
- **Additional Information or Questions**—Anyone having a question about any of the above information may write or call: N.C. Department of Labor Division of Occupational Safety and Health 1101 Mail Service Center, Raleigh, NC 27699-1101 Phone: 1-800-625-2267 or (919) 807-2796 Fax: (919) 807-2856 E-mail: ask.osha@labor.nc.gov www.nc劳动.com

1-800-NC-LABOR

1-800-625-2267

N.C. Department of Labor Internet Address: www.nclabor.com

To find out more information about this poster and to download all of the required state and federal posters, please visit our Web site at: http://www.nclabor.com/posters/posters.htm

Printed 3/09
50,000 copies of this public document were printed at a cost of $1,880.63, or $.03 per copy.
**Wage and Hour Act**

**Minimum Wage:** $6.55 per hour (effective 7/24/08), Minimum Wage: $7.25 per hour (effective 7/24/09).

Employers in North Carolina are required to pay the higher of the state or federal minimum wages. The federal minimum wage increased to $7.25 per hour on July 24, 2008, and is scheduled to increase to $7.25 per hour effective July 24, 2009. Therefore, employers in North Carolina are required to pay their employees at least $6.55 per hour until July 24, 2009, when the rate will increase to $7.25 per hour. (Note: Employers in North Carolina were required to pay at least $6.15 per hour from Jan. 1, 2007, until the $6.55 per hour rate became effective on July 24, 2008.)

An employer may pay as little as $2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if no employee’s tips are reduced more than 15 percent. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the employer may not be allowed the tip credit.

Certain full-time students may be paid 90 percent of the minimum wage, rounded to the lowest nickel.

**Overtime**

Time and one-half must be paid after 40 hours of work in any one workweek, except after 48 hours at seasonal recreational and amusement establishments. The state overtime provision does not apply to some employers and employees who are exempt.

**Youth Employment**

Rules for all youths under 18 years old are: Youth employment certificates (YEC) are required. To obtain a YEC, please visit our Web site at www.nclabor.com. Work in hazardous, detrimental or prohibited jobs is not permitted.

Additional rules for 14- and 15-year-olds are: No work between 11 p.m. and 5 a.m. when there is school the next day. Exception: When the employer gets written permission from the youth’s parents and principal.

**Right-to-Work Laws**

North Carolina is a “right-to-work” state, which means that the right of a person to work cannot be denied or abridged because that person belongs—or does not belong—to a labor union. In addition, an employer cannot require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to a labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise.

**Additional rules for 14- and 15-year-olds are:**

- Where work can be performed: Retail businesses, food service establish-ments, service stations and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery, or on the premises of a business holding an AABC permit for the on-premises sale or consumption of alcoholic beverages, except that youths at least 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages.

- Maximum hours per day: Three on school days; eight if a non-school day.

- Maximum hours per week: 18 when school is in session; 40 when school is not in session.

- Hours of the day: May work only between 7 a.m. and 7 p.m. (9 p.m. from June 1 through Labor Day).

- Breaks: 30-minute breaks are required after any period of five consecutive hours of work.

Additional rules for youths under 14 years old are: Work is gener-ally not permitted except when working for the youth’s parents; in newspaper distribution to consumers; modeling; or acting in movie, television, radio or theater production. These state youth employment provisions do not apply to farm, domestic or government work.

**Wage Payment**

Wages are due on the regular payday. If requested, final paychecks must be mailed. When the amount of wages is in dispute, the employ-er’s payment of the undisputed portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

Employees must be notified of paydays, pay rates, policies on vacation and sick leave, and of commission, bonus and other pay matters. Employers must notify employees in writing or through a posted notice maintained in a place accessible to its employees of any reduction in the rate of promised wages at least 24 hours prior to such change.

Deductions from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written author-ization that the employee signs does not specify a dollar amount, the employer must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to with-draw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

The withholding of dividends of wages owed for the employer’s benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime wages owed.

Deductions for cash or inventory shortages or for loss or damage to an employer’s property may not be taken unless the employer meets the following conditions:

- The employer gets written permission from the employer’s property or the employer’s agent.
- The employer is liable for the replacement cost of the property.
- The employer provides written notice of the amount to be deducted to the employee on or before the payday.
- The employer makes the deduction within 15 days after the employer has notified the employee of the loss or damage.
- The employer follows the payroll procedures specified by the state or federal laws.

In addition, the U.S. Supreme Court stated that if a collective bargaining agreement between an employer and a labor union requires employees to pay uniform peri-odic dues and initiation fees, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration and grievance adjustment. Thus, employers must show that they have been required to pay dues or fees used in part to support activities not directly related to the duties of collective bargaining, you may be entitled to a refund and to an appropriate reduction in future payments.

NCDOL does not have any enforcement authority of these laws, but if you have any questions, contact the Regional Office of the National Labor Relations Board (NLRB) at the following address and phone number:

- NLRB—Region 11 Office
- Republic Square
- 4015 University Parkway, Suite 200
- Winston-Salem, NC 27106-3225
- (336) 631-5201

**Employment Discrimination**

The department’s Employment Discrimination Bureau (EDB) enforces the Retail Establishments Discrimination Act (REDA). Employees involved in the following activities are protected from retaliation or discrimination by their employer:

- Workers’ Compensation Claims
- Wage and Hour Complaints
- Occupational Safety and Health Complaints
- Mine Safety and Health Complaints
- Cancer
- Sickle Cell or Hemoglobin Carriers
- N.C. National Guard Service
- The Juvenile Justice System
- N.C. National Guard Service
- Victims of Domestic Violence
- Pesticide Regulation Complaints

Employers who have questions about the application of REDA, or employees who believe they have been discriminated or retaliated against, should contact the EDB information officer:

- N.C. Department of Labor
- Employment Discrimination Bureau
- 1101 Mail Service Center
- Raleigh, NC 27699-1101
- Phone: 1-800-625-2267 or (919) 807-2831
- Fax: (919) 807-2824
- E-mail: ask.edb@labor.nc.gov
- www.nclabor.com

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- Phone: 1-800-625-2267 or (919) 807-2831
- Fax: (919) 807-2824
- E-mail: ask.edb@labor.nc.gov
- www.nclabor.com

All complaints must be made within 180 days of the date of retaliation.

**THIS NOTICE MUST BE POSTED CONSPICUOUSLY. THIS POSTER IS AVAILABLE FREE OF CHARGE TO ALL NORTH CAROLINA WORKPLACES. CALL 1-800-625-2267 or (919) 807-2796.**

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- Wage and Hour Complaints
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- Cancer
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- Fax: (919) 807-2824
- E-mail: ask.edb@labor.nc.gov
- www.nclabor.com

All complaints must be made within 180 days of the date of retaliation.
EMPLOYER: THIS MUST BE PROMINENTLY POSTED. I.C. RULE 201.

WORKERS’ COMPENSATION NOTICE
And Instructions to Employers and Employees

All employees of this business suffering work-related injuries may be entitled to Workers’ Compensation benefits from the employer or its insurance carrier, except specifically excluded executive officers.

— IMPORTANT THINGS TO DO IN CASE OF INJURY OR OCCUPATIONAL DISEASE —

The Employee Should:

1. Immediately give the employer notice in writing of injury or occupational disease. Failure to inform the employer within thirty (30) days after an injury or the development of most occupational diseases, or the refusal to accept medical services provided by the employer, may deprive the employee of the right to compensation.

2. File claim with the Industrial Commission within two (2) years of the accidental injury or two (2) years after the death, disability or disablement caused by an occupational disease. (The Commission’s Form 18 may be used to give notice to employer and to file a claim.) In case of fatal injury, claim must be filed by one or more dependents or next of kin of the deceased employee within two years after such death.

3. If no agreement is reached with the employer with regard to payment of compensation for injury or occupational disease, or if a disagreement develops over compensation due, the employee should promptly request the Industrial Commission to hold a hearing to decide the issues. Benefits may be denied if the request is made more than two (2) years after the date of injury or last payment of cash compensation.

The Employer Should:

1. Provide all necessary medical, surgical, hospital and rehabilitation services reasonably required to effect a cure, give relief and lessen the period of the employee’s disability. N.C.G.S. §97-25. Keep a record and report to insurance carrier/compensation administrator ALL injuries suffered by its employees on the Commission’s Form 19. The employer, or the carrier/administrator on its behalf, must mail a Form 19 report to the Industrial Commission within five (5) days of the occurrence or report of an injury causing more than one day’s absence from work or $2,000.00 or more in medical treatment, other than treatment provided at the workplace. N.C.G.S. §97-92.

2. Pay compensation in accordance with the provisions of the Workers’ Compensation Act for disability. Agreements between employer and employee to pay compensation must be submitted to the Industrial Commission for approval.

Información sobre alivio medico y monetario para heridas ocurriendo al lugar del trabajo.

NORTH CAROLINA INDUSTRIAL COMMISSION
4340 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-4340
(919) 807-2500
Equal Employment Opportunity is

THE LAW

Employers
Holding Federal
Contracts or
Subcontracts

Applicants to and employees of
companies with a Federal government
contract or subcontract are
protected under the following
Federal authorities:

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, prohibits job
discrimination because of disability
and requires affirmative action to
employ and advance in employment
qualified individuals with disabilities
who, with reasonable accommodation,
can perform the essential functions
of a job.

VIETNAM ERA, SPECIAL
DISABLED, RECENTLY
SEPARATED, AND OTHER
PROTECTED 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 qualified Vietnam era veterans, qualified
special disabled veterans, recently separated
veterans, and other protected veterans. A recently
separated veteran is any veteran during the three-
year period beginning on the date of such veteran's
discharge or release from active duty in the U.S.
army, naval, air or military service.

RETAILIATION

Retaliation is prohibited against a person who files
a charge 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), Employment Standards
Administration, U.S. Department of Labor, 200
Constitution Avenue, N.W., Washington, DC 20210,
(202) 693-0101 or call an OFCCP regional or district
office listed in most telephone directories under U.S.
Government, Department of Labor. For individuals
with hearing impairment, OFCCP's TTY number is
(202) 693-1337.

Private Employment,
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 the following
Federal laws:

RACE, COLOR, RELIGION,
SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of
1964, as amended, prohibits
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 and sexual
harassment) 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 (ADA), as amended,
protect qualified applicants and
employees with disabilities from
discrimination in hiring,
promotion, discharge, pay, job
training, fringe benefits,
classification, referral, and other
aspects of employment on the
basis of disability.

The law also requires that
covered entities provide qualified
applicants and employees with
disabilities with reasonable
accommodations, unless such
accommodations would impose
an undue hardship on the
employer.

AGE

The Age Discrimination in
Employment Act of 1967, as
amended, protects applicants
and employees 40 years of age
or older from discrimination
on the basis of age in hiring,
promotion, discharge,
compensation, terms, conditions
or privileges of employment.

SEX (WAGES)

In addition to sex discrimination
prohibited by Title VII of the Civil
Rights Act of 1964, as amended,
the Equal Pay Act of 1963, as
amended, prohibits sex
discrimination in 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.

RETAILIATION

Retaliation is prohibited against a person who files a
charge of discrimination, participates in a
discrimination proceeding, or otherwise opposes
discrimination under these Federal laws.

If you believe that you have been discriminated
against under any of the above laws, and to ensure
that you meet strict procedural timelines to preserve
the ability of EEOC to investigate your complaint and
to protect your right to file a private lawsuit, you
should immediately contact:

The U.S. Equal Employment Opportunity
Commission (EEOC), Washington, DC 20507 or an
EEOC field office by calling toll free (1-800) 669-
4000. For individuals with hearing impairments,
EEOC's toll free TTY number is 1-800 669-6820.

Programs or Activities Receiving
Federal Financial Assistance

RACE, COLOR, SEX, NATIONAL ORIGIN

In addition to the protection of Title VII of the Civil
Rights Act of 1964, as amended, Title VI of the Civil
Rights Act 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 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 in the federal
government, public or private agency.

Discrimination is prohibited in all aspects of
employment against persons with disabilities who,
with or without reasonable accommodation, can
perform the essential functions of a job.

If you believe you have been discriminated against in
a program of any institution which receives Federal
assistance, you should contact immediately the
Federal agency providing such assistance.

Publication OFCCP 1420
Revised August 2008
Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.
EMPLOYEE RIGHTS
UNDER THE FAIR LABOR STANDARDS ACT
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

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<td>$7.25</td>
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OVERTIME PAY
At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

YOUTH EMPLOYMENT
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 under the following conditions:

No more than
• 3 hours on a school day or 18 hours in a school week;
• 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment. For more information, visit the YouthRules! Web site at www.youthrules.dol.gov.

TIP CREDIT
Employers of “tipped employees” must pay 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. Certain other conditions must also be met.

ENFORCEMENT
The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Civil money penalties of up to $11,000 per violation may be assessed against employers who violate the youth employment provisions of the law and up to $1,100 per violation against employers who willfully or repeatedly violate the minimum wage or overtime pay provisions. This law prohibits discriminating against or discharging workers who file a complaint or participate in any proceedings under the Act.

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 and the Commonwealth of the Northern Mariana Islands.
• Some state laws provide greater employee protections; employers must comply with both.
• The law requires employers to display this poster where employees can readily see it.
• Employees under 20 years of age may be paid $4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
• 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.

For additional information:

1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEANDHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1088 (Revised June 2007)
NOTICE

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.

**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 up to $10,000 against violators. Employees or job applicants may also bring their own court actions.

**ADDITIONAL INFORMATION**

Additional information may be obtained, and complaints of violations may be filed, at local offices of the Wage and Hour Division. To locate your nearest Wage-Hour office, telephone our toll-free information and help line at 1 - 866 - 4USWAGE (1 - 866 - 487 - 9243). A customer service representative is available to assist you with referral information from 8am to 5 pm in your time zone; or if you have access to the internet, you may log onto our Home page at www.wagehour.dol.gov.

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

*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.*

**U.S. DEPARTMENT OF LABOR**

**EMPLOYMENT STANDARDS ADMINISTRATION**

Wage and Hour Division
Washington, D.C. 20210

WH Publication 1462

June 2003
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 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. 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 this notice where they customarily place notices for employees.
Notice

Migrant and Seasonal Agricultural Worker Protection Act

This federal law requires agricultural employers, agricultural associations, farm labor contractors and their employees to observe certain labor standards when employing migrant and seasonal farmworkers unless specific exemptions apply. Further, farm labor contractors are required to register with the U.S. Department of Labor.

Migrant and Seasonal Farmworkers Have These Rights

- To receive accurate information about wages and working conditions for the prospective employment
- To receive this information in writing and in English, Spanish or other languages, as appropriate
- To have the terms of the working arrangement upheld
- To have farm labor contractors show proof of registration at the time of recruitment

Aviso

Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura

Esta ley federal exige que los patrones agrícolas, las asociaciones agrícolas, los contratistas de mano de obra agrícola (o troqueros), y sus empleados cumplan con ciertas normas laborales cuando ocupan a los trabajadores migrantes y temporales en la agricultura, a menos que se apliquen excepciones específicas. Los contratistas, o troqueros, tienen además la obligación de registrarse con el Departamento del Trabajo.

Los Trabajadores Migrantes y Temporales en la Agricultura Tienen los Derechos Siguientes

- Recibir detalles exactos sobre el salario y las condiciones de trabajo del empleo futuro
- Recibir estos datos por escrito en inglés, en español, o en otro idioma que sea apropiado
- Cumplimiento de todas las condiciones de trabajo como fueron presentadas cuando se les hizo la oferta de trabajo
- Al ser reclutados para un trabajo, ver una prueba de que el contratista se haya registrado con el Departamento del Trabajo
To be paid wages when due
To receive itemized, written statements of earnings for each pay period
To purchase goods from the source of their choice
To be transported in vehicles which are properly insured and operated by licensed drivers, and which meet federal and state safety standards
For migrant farmworkers who are provided housing

- To be housed in property which meets federal and state safety and health standards
- To have the housing information presented to them in writing at the time of recruitment
- To have posted in a conspicuous place at the housing site or presented to them a statement of the terms and conditions of occupancy, if any

Workers who believe their rights under the act have been violated may file complaints with the department’s Wage and Hour Division or may file suit directly in federal district court. The law prohibits employers from discriminating against workers who file complaints, testify or in any way exercise their rights on their own behalf or on behalf of others. Complaints of such discrimination must be filed with the division within 180 days of the alleged event.

For further information, get in touch with the nearest office of the Wage and Hour Division, listed in most telephone directories under the U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

The law requires employers to display this poster where employees can readily see it.
This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities 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 special minimum wages are referred to as “commensurate wage rates” and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of $5.85 per hour beginning July 24, 2007, $6.55 per hour beginning July 24, 2008, and $7.25 per hour beginning July 24, 2009. 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.

WORKERS WITH DISABILITIES

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 blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. 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.

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 the applicable state or federal minimum wage is increased.

OVERTIME

Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

YOUTH EMPLOYMENT

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

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 wage determination.

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.

PETITION PROCESS

Workers with disabilities paid at special minimum 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, N.W., Washington, D.C. 20210.

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

For additional information:

1-866-4-USWAGE
(1-866-487-9243)
TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV
NOTICE TO ALL EMPLOYEES

Working on Federal or Federally Financed Construction Projects

MINIMUM WAGES

You must be paid not less than the wage rate in the schedule posted with this Notice for the kind of 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 a week. There are some exceptions.
Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

If you do not receive proper pay, contact the Contracting Officer listed below:

or you may contact the nearest office of the Wage and Hour Division, U.S. Department of Labor. The Wage and Hour Division has offices in several hundred communities throughout the country. They are listed in the U.S. Government section of most telephone directories under: U.S. Department of Labor Employment Standards Administration
EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment is performing Government contract work subject to (check one)

☐ SERVICE CONTRACT ACT (SCA) or
☐ PUBLIC CONTRACTS ACT (PCA)

MINIMUM WAGES
Your rate must be no less than the Federal minimum wage established by the Fair Labor Standards Act (FLSA).

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.

FRINGE BENEFITS
SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.

OVERTIME PAY
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.

CHILD LABOR
No person under 16 years of age may be employed on a PCA contract.

SAFETY & HEALTH
Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.

UNION DUES
Executive Order (E.O.) 13201 requires certain Government contractors to notify employee of rights related to union dues.

COMPLAINTS
Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information for:

SCA or PCA  Contact the Wage and Hour Division by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit its Web site at www.wagehour.dol.gov.

SAFETY & HEALTH  Contact the Occupational Safety and Health Administration (OSHA) by calling 1-800-321-OSHA (1-800-321-6742), or visit its Web site at www.osha.gov.

UNION DUES  Contact either the Office of Labor-Management Standards (OLMS) or Office of Federal Contract Compliance Programs (OFCCP), by calling 1-866-4-USA-DOL or visit OFCCP's Web site at www.dol.gov/esa/ofccp or OLMS' Web site at www.olms.dol.gov.

For additional information:

1-866-4-USWAGE
(1-866-487-9243)  TTY: 1-877-889-5627
WWW.WAGEHOURLDOL.GOV

U.S. Department of Labor  Employment Standards Administration  Wage and Hour Division
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.

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.