

LABOR LAWS

Since 1953

FEDERAL



ILLINOIS

FED **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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

OF LABOF



Minimum Wage \$11.00 per hour Wage Increases Schedule (Effective Jan. 1, 2021) and Overtime Coverage: Applies to employers with 4 or more employees

hours worked over 40 in a workweek

Wage Payment and Collection Act

their next regularly scheduled payday.

Hotline: 1-800-478-3998

except as specified by law.

additional time to submit.

or factors other than gender

Hotline: 1-866-EPA-IDOL

our Nation or State.

WHO IS PROTECTED?

performing State duty.

WHO ENFORCES ISERRA?

enforcement under ISERRA

Equal Pay Act

Unpaid Wages

Domestic workers

are covered even

if the employer

Effective Jan. 1, 2021..... \$11.00 violence, or who have family members who are victims, with up to Effective Jan. 1, 2022..... \$12.00 12 weeks of unpaid leave during a 12-month period. Effective Jan. 1, 2023..... \$13.00 Phone: 312-793-6797 Effective Jan. 1, 2024..... \$14.00 **Meal and Rest Periods** Effective Jan. 1, 2025..... \$15.00 One Day Rest in Seven Act

Provides employees with 24 consecutive hours of rest each calendar week

Victims' Economic Security and Safety Act

Provides employees who are victims of domestic or sexual

Employers may obtain permits from the Department allowing or visit the website: Minimum Wage Law and some workers may be paid less right to be free from unlawful discrimination and Discrimination Helpline at 1-877-236-7703 to talk to employees to voluntarily work seven consecutive days. VESSA provides employees who are victims of domestic violence, sexual violence, or gender violence, https://www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/vessa.aspx than the minimum wage under limited conditions. For more sexual harassment. This means that employers may someone about your concerns. Employees working 7½ continuous hours must be allowed a and employees who have a family or household member who is a victim of such violence, with information, visit our website. (See wage Increases schedule not treat people differently based on race, age, gender, **ACCOMMODATIONS** — VESSA provides that employees are entitled to reasonable accommodations to unpaid, job-guaranteed leave; reasonable accommodations; and protections from discrimination and meal period of at least 20 minutes no later than 5 hours after CHICAGO: lisability, sexual orientation JAMES R. THOMPSON CENTER the start of work. Tipped Employees: Must be paid at least 60% of the protected class named in the Act. This applies to all the job structure, workplace facility, work requirements, or telephone number, seating assignment, or 100 West Randolph Street, Suite 10-100 This time may be used if the employee or the employee's family or household member is: Phone: 312-793-2804 physical security of the work area . employer actions, including hiring, promotion, discipline applicable minimum wage. If an employee's tips combined CHICAGO, IL 60601 experiencing an incident of domestic violence, sexual violence, or gender violence with the wages from the employer do not equal the minimum Child Labor and discharge DISCRIMINATION AND RETALIATION — VESSA prohibits employers from discriminating, retaliating, or (312) 814-6200 wage, the employer must make up the difference. Workers under Age 16 is recovering from the violence otherwise treating an employee or job applicant unfavorably if the individual involved (866) 740-3953 (TTY) **REASONABLE ACCOMMODATIONS** Overtime: Most hourly employees and some salaried • Children under the age of 14 may not work in most jobs, is seeking or receiving medical help, legal assistance (including participation in legal Is or is perceived to be a victim of domestic, sexual, or gender violence; You also have the right to reasonable accommodations (312) 814-6251 (Fax) employees are covered by the overtime law and must be except under limited condition proceedings), counseling, safety planning, or other assistance; based on pregnancy and disability. This means you Attended, participated in, prepared for, or requested leave to attend, participate in, or prepare Springfield: compensated at time and one-half of their regular pay for • 14 and 15-year-olds may work if the following requirements temporarily or permanently relocating; or for a criminal or civil court or administrative proceeding relating to domestic, sexual, or gender can ask for reasonable changes to your job if needed 535 W. JEFFERSON STREET to take other actions to increase the safety of the victim from future domestic, sexual, or gender violence: are met: because you are pregnant or disabled. 1st Floor violence, or to ensure economic security Requested or took VESSA leave for any reason; Employment certificates have been issued by the school SPRINGFIELD, IL 62702 RETALIATION Requested an accommodation, regardless of whether the accommodation was granted; NOTICE — Employees must provide the employer with at least 48 hours prior notice, unless providing district and filed with the Department of Labor confirming (217) 785-5100 It is also unlawful for employers to treat people advance notice is not practicable. If an employee is unable to provide advance notice, an employee must provide notice when an employee is able to do so, within a reasonable period of time after the The workplace is disrupted or threatened by the action of a person whom the individual states that a minor is old enough to work, physically capable to (866) 740-3953 (TTY) differently because they have reported discrimination, has committed or threatened to commit domestic, sexual, or gender violence against the Employees must receive their final compensation, including perform the job, and that the job will not interfere with the (217) 785-5106 (Fax) individual or the individual's family or household member; or participated in an investigation, or helped others earned wages, vacation pay, commissions and bonuses on minor's education; exercise their right to complain about discrimination. Exercised any other rights under VESSA. **CERTIFICATION** — An employer may require the employee to provide certification of the domestic, Website: www.illinois.gov/dhr • The work is not deemed a hazardous occupation (a full sexual, or gender violence and that leave is to address the violence. Certification may include a Unauthorized deductions from paychecks are not allowed **REPORT DISCRIMINATION** sworn statement of the employee and other documentation such as a letter from a victims' services listing can be found on our website); Email: IDHR.Intake@illinois.gov organization, a court record, or any other corroborating evidence, but only if that documentation is in labor.illinois.gov • DOL.Questions@Illinois.gov Work is limited to 3 hours per day on school days, 8 hours To report discrimination, you may: the possession of the employee. All information related to domestic, sexual, or gender violence is to be Employers must reimburse employees for all necessary Employers shall make this poster available and display it per day on non-school days and no more than 6 days or 48 kept in the strictest confidence by the employer. expenditures or losses incurred by an employee during the LINCOLN TOWER PLAZA MICHAEL A BILANDIC BUILDING REGIONAL OFFICE BUILDING where employees can readily see it. 1. Contact your employer's human resources or scope of employment and related to services performed for hours per week This notice is available for download at: **DURATION OF LEAVE** — VESSA provides that employees working for an employer with at least 1 524 SOUTH 2ND STREET, SUITE 400 2309 West Main Street, Suite 115 160 North LaSalle, Suite C-1300 personnel department. the employer. Employee must submit reimbursement request employee, but no more than 14 employees, are entitled to a total of 4 workweeks of unpaid leave www.illinois.gov/dhr CHICAGO, ILLINOIS 60601-3150 MARION, ILLINOIS 62959 SPRINGFIELD, ILLINOIS 62701 • Work is performed only between the hours of 7 a.m. within 30 calendar days unless an employer policy allows for during any 12-month period. Employees working for an employer with at least 15, but no more than to 7 p.m. during the school year (7 a.m. to 9 p.m. June 2. Contact the Illinois Department of Human Rights (217) 782-6206 (312) 793-2800 (618) 993-7090 49 employees, are entitled to a total of 8 workweeks of unpaid leave during any 12-month period. And 9/18 . web version . IOCI19-0181 Fax: (217) 782-0596 Fax: (312) 793-5257 Fax: (618) 993-7258 through September); and employees working for an employer with at least 50 employees are entitled to a total of 12 workweeks (IDHR) to file a charge. of unpaid leave during any 12-month period. • A 30-minute meal period is provided no later than the fifth REV. 09/2018 Requires employers to pay equal wages to men and women Leave permitted during a 12-month period under the act based on number of employees: hour of work doing the same or substantially similar work. unless such wage Number of employees Leave permitted differences are based upon a seniority system, a merit system, Hotline: 1-800-645-5784 1-14 employees 4 weeks 03/21 IOCI 21-0699 This is a summary of laws that satisfies Illinois Department of WAGE PAYMENT AND COLLECTION ACT Employers and employment agencies are banned from asking 15-49 employees 8 weeks Labor posting requirements. For a complete text of the laws, visit applicants past wage and compensation histories. our website at **Payday Notice** 12 weeks 50 or more employees Employees may disclose or discuss their own salaries, benefits, www.labor.illinois.gov and other compensation with their co-workers and colleagues. Leave may be taken consecutively, intermittently, or on a reduced work schedule basis. The Illinois Wage Payment and Collection Act, 820 ILCS 115/10 (from Ch. 48, par. 39m-10), requires employers to For more information or to file a complaint, contact us at: Employers are not allowed to pay less to African American post and keep posted at each regular place of business in a position easily accessible to all employees one or more REV. 03/2021 employees versus a non-African American employees. notices indicating the regular paydays and the place and time for payment. FOR EMPLOYEES OF: 524 SOUTH 2ND ST, SUITE 400, SPRINGFIELD, IL 62701 • SPRINGFIELD 217-782-6206 FED (Company Name) 160 N. LASALLE, ST, SUITE C-1300, CHICAGO, IL 60601 YOUR RIGHTS UNDER USERRA Chicago 312-793-2800 • Marion 618-993-7090 **R**EGULAR PAYDAYS SHALL BE AS FOLLOWS: THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY SEE IT. IL452-03/21 300 IOCI 21-0698 USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain REV. 03/2021 PLACE AND TIME OF PAYMENT: 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 HEALTH INSURANCE PROTECTION** NOTICE: This state has its own minimum wave law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards You have the right to be reemployed in your civilian job if you leave that job to If you leave your job to perform military service, you have the right to elect to Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor continue your existing employer-based health plan coverage for you and your perform service in the uniformed service and: dictates that the employee is entitled to the higher minimum wage rate. dependents for up to 24 months while in the military. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. you ensure that your employer receives advance written or verbal notice of your DEPARTMENT OF HUMAN RIGHTS — IDHR Even if you don't elect to continue coverage during your military service, you service: Pregnancy and your RIGHTS in the WORKPLACE when you are you have five years or less o ns (e.g., prewith that particular employ Are you pregnant, recovering from childbirth, Es ilegal que su empleador la despida, se niegue nesses or injuries. you return to work or apply a contratarla o a proporcionarle una adaptación or do you have a medical or common condition OFFICE OF THE ATTORNEY GENERAL conclusion of service; and razonable a causa de su embarazo. Para obtener related to pregnancy? ing Service información sobre el embarazo y sus derechos en you have not been separate YOUR RIGHTS UNDER THE ILLINOIS SERVICE MEMBER If so, you have the right to: SERRA violations. el lugar de trabajo en español, visite: under other than honorable **EMPLOYMENT & REEMPLOYMENT RIGHTS ACT (330 ILCS 61)** Ask your employer for a reasonable www.illinois.gov/dhr If you are eligible to be reemploye n on accommodation for your pregnancy, such as **ILLINOIS DEPARTMENT OF** would have attained if you had no ISERRA (Illinois version of USERRA) protects the employment and benefits of service members who leave their civilian employment to serve more frequent bathroom breaks, assistance with cases, a comparable job. r can be viewed Human Rights heavy work, a private space for expressing milk, In order to protect the common public interest in military service, it is the role of the Illinois Attorney General to promote awareness and or time off to recover from your pregnancy. **RIGHT TO BE FREE FROM DIS** For immediate help or if you have questions ensure compliance with ISERRA by providing information, training, advocacy, and enforcement. it, you may Reject an unsolicited accommodation offered by If you: regarding your rights. e or the Office of your employer for your pregnancy. are a past or present memb Call (312) 814-6200 or (217) 785-5100 or All members of the Armed Forces of the United States whether active duty or reserve, including the National Guard when Continue working during your pregnancy if a uniformed service; (866) 740-3953 (TTY) against an reasonable accommodation is available which have applied for membersh All members of Military Auxiliary Radio System, United States Coast Guard Reserve, Civil Air Patrol, and the Merchant Marines when CHICAGO OFFICE SPRINGFIELD OFFICE would allow you to continue performing your job. uniformed service: or 222 SOUTH COLLEGE ST., performing official duties in support of an emergency. **100 WEST RANDOLPH** text of this then an employer may not deny y Your employer cannot: Rooм 101-A his address: Members who are released from military duty with follow-on care by the Department of Defense. STREET, Discriminate against you because of initial employment; 10TH FLOOR INTAKE UNIT quires employers your pregnancy. Springfield, IL 62704 reemployment: INTAKE UNIT ly meet this WHAT ARE THE RIGHTS, BENEFITS AND OBLIGATIONS UNDER ISERRA? Retaliate against you because you requested a CHICAGO, IL 60601 (217) 785-5100 retention in employment; arily place notices ISERRA provides the same protections as USERRA (i.e., reemployment, benefits and discrimination) but expands protections to persons reasonable accommodation. (312) 814-6200 because of this status. identified above and incorporates existing benefits to service members who are public employees. Because ISERRA represents the It is illegal for your employer to fire you, refuse to hire The charge process may be initiated by In addition, an employer may not minimum employer requirements, employers maintain the right to provide greater benefits at their discretion. you or to refuse to provide you with a reasonable enforcement of USERRA rights, inc completing the form at: accommodation because of your pregnancy. For more connection with a proceeding unc The ISERRA Advocate is an Assistant Attorney General appointed by the Illinois Attorney General to provide both advocacy and http://www.illinois.gov/dhr information regarding your rights, download the Illinois service connection. Department of Human Rights' fact sheet from our IDHR ENG . web . IOCI17-0405 website at www.illinois.gov/dhr WHERE TO FIND MORE INFORMATION? Both service members and employers can find more information on the Attorney General's ISERRA Advocate webpage at REV. 02/2017 www.illinoisattorneygeneral.gov/rights/veterans.html or call the Military & Veterans Rights Helpline at 1-800-382-3000 to ask questions or REV. 04/2017 This notice is available for download on the Attorney General's website by going to www.illinoisattorneygeneral.gov/rights/veterans.html. Employers are required to provide employees entitled to rights and benefits under ISERRA a notice of the rights, benefits, and obligations FED of service member employees. This requirement may be met by the posting of this notice where employers customarily place notices for Equal Employment Opportunity is THE LAW employees. ISERRA is codified as Public Act 100-1101 and can be found at www.ilga.gov/legislation/publicacts/100/PDF/100-1101.pdf. Private Employers, State and Local Governments, Educational Institutions, **Employment Agencies and Labor Organizations** REV. 11/2020

Workers' Compensation

Workers' Compensation is a system of benefits provided by law to most workers who have job-related injuries or illnesses. Benefits are paid for injuries that are caused, in whole or in part, by an employee's work. This may include the aggravation of a pre-existing condition, injuries brought on by the repetitive use of a part of the body, heart attacks, or any other physical problem caused by work. Benefits are paid regardless of fault.

IF YOU HAVE A WORK-RELATED INJURY OR **ILLNESS, TAKE THE FOLLOWING STEPS:**

GET MEDICAL ASSISTANCE. By law, your employer must pay for all necessary medical services required to cure or relieve the effects of the injury or illness. Where necessary, the employer must also pay for physical, mental, or vocational rehabilitation, within prescribed limits. The employee may choose two physicians, surgeons, or hospitals. If the employer notifies you that it has an approved Preferred Provider Program for workers' compensation, the PPP counts as one of your two choices of providers.

2. NOTIFY YOUR EMPLOYER. You must notify your employer of the accidental injury or illness within 45 days, either orally or in writing. To avoid possible delays, it is recommended the notice also include your name, address, telephone number, Social Security number, and a brief description of the injury or illness.

3. LEARN YOUR RIGHTS. Your employer is required by law to report accidents that result in more than three lost work days to the Workers' Compensation Commission. Once the accident is reported, you should receive a handbook that explains the law, benefits, and procedures. If you need a handbook, please call the Commission or go to the Web site. If you must lose time from work to recover from the injury or illness, you may be entitled to receive weekly payments and necessary medical care until

you are able to return to work that is reasonably available to you. It is against the law for an employer to harass, discharge, refuse to rehire or in any way discriminate against an employee for exercising his or her rights under the Workers' Compensation or Occupational Diseases Acts. If you file a fraudulent claim, you may 4. KEEP WITHIN THE TIME LIMITS. Generally, claims must be filed within three years of the injury or disablement from an occupational disease, or within two years of the last workers' compensation payment, whichever is later. Claims for pneumoconiosis, radiological exposure, asbestosis, or similar diseases have special requirements. Injured workers have the right to reopen their case within 30 months after an award is made if the disability increases, but cases that are resolved by a lump-sum settlement contract approved by the Commission cannot be reopened. Only settlements approved by the Commission are binding.

For more information, go to the Illinois Workers' Compensation Commission's Web site or call any office: Toll-free: 866/352-3033 Peoria: 309/671-3019

Web site: www.iwcc.il.gov Rockford: 815/987-7292 Chicago: 312/814-6611 Springfield: 217/785-7087 Collinsville: 618/346-3450 TDD (Deaf): 312/814-2959

BY LAW, EMPLOYERS MUST DISPLAY THIS NOTICE IN A PROMINENT PLACE IN EACH WORKPLACE AND COMPLETE THE **INFORMATION BELOW.**

PARTY HANDLING WORKERS COMPENSATION CLAIMS

BUSINESS ADDRESS BUSINESS PHON EFFECTIVE DATE TERMINATION DAT POLICY NUMBE **EMPLOYER'S FEIN**

ICPN 10/1

DEPARTMENT OF HUMAN RIGHTS — IDHR YOU HAVE THE RIGHT TO BE FREE FROM JOB DISCRIMINATION AND SEXUAL HARASSMENT.

For information on filing a complaint please call: 312-793-6797 The Illinois Human Rights Act states that you have **the** only has 1 worker. Certain workers are not covered by the **Required Posting for Employers** 3. Call the Illinois Sexual Harassment and

NOTICE to workers about Unemployment Insurance Benefits THE POSTING OF THIS NOTICE IS REQUIRED BY THE ILLINOIS UNEMPLOYMENT INSURANCE ACT. **FILING A CLAIM** If Your Benefit Ye The Illinois Unemployment Insurance Act provides for the payment of benefits to This year between: eligible unemployed workers and for the collection of employer contributions from Jan. 1 and March 31 liable employers. It is designed to provide living expenses while new employment is

sought. Claims should be filed as soon as possible after separation from employment. Claims can be filed online at **www.ides.illinois.gov** or at the nearest Illinois Department of Employment Security office to the worker's home. To be eligible for benefits, an unemployed individual must be available for work, able to work and actively seeking work and, in addition, must not be disqualified under any provisions of the Illinois Unemployment Insurance Act.

Each employer shall deliver the pamphlet "What Every Worker Should Know About Unemployment Insurance" to each worker separated from employment for an expected duration of seven or more days. The pamphlet shall be delivered to the worker at the time of separation or, if delivery is impracticable, mailed within five days after the date of the separation to the worker's last known address. Pamphlets shall be supplied by the Illinois Department of Employment Security to each employer without cost.

A claimant may also be entitled to receive, in addition to the weekly benefit amount, an allowance for a non-working spouse or a dependent child or children. The allowance is a percentage of the average weekly wage of the claimant in his or her base period. The weekly benefit amount plus any allowance for a dependent make up the total amount payable

If, during a calendar week an employee does not work full-time because of lack of work, he or she may be eligible for partial benefits if the wages earned in such calendar week are less than his or her weekly benefit amount. For any such week, employers should provide employees with a statement of "low earnings" which should be taken to their Illinois Department of Employment Security office.

NOTE: Illinois unemployment insurance benefits are paid from a trust fund to which only employers contribute. No deductions may be made from the wages of workers for this purpose.

Unemployment insurance information is available from any Illinois Department of Employment Security office. To locate the office nearest you, call 1-800-244-5631 or access the locations though our website at www.ides.illinois.gov

BENEFITS

REV. 10/2011

Every claimant who files a new claim for unemployment insurance benefits must serve an unpaid waiting week for which he has filed and is otherwise eligible. The claimant's weekly benefit amount is usually a percentage of the worker's average weekly wage. The worker's average weekly wage is computed by dividing the wages paid during the two highest quarters of the base period by 26. The maximum weekly benefit amount is a percentage of the statewide average weekly wage. The minimum weekly benefit amount is \$51. The statewide average weekly wage is calculated each vear.

IEMPLOYMENT INSURANCE ACT.	
ear Begins:	Your Base Period Will Be:
l	<i>Last year between:</i> Jan. 1 and Sept. 30 and the year before between Oct. 1 and Dec. 31
	<i>Last year between:</i> Jan. 1 and Dec. 31
	<i>Last year between:</i> April 1 and Dec. 31 and this year between Jan. 1 and March 31
	<i>Last year between:</i> July 1 and Dec. 31 and this year between Jan. 1 and June 30

In order to be monetarily eligible, a claimant must be paid a minimum of \$1,600 during the base period with at least \$440 of that amount being paid outside the highest calendar guarter

If you have been awarded temporary total disability benefits under a workers' compensation act or other similar acts, or if you only have worked within the last few months, your base period may be determined differently. Contact your local IDES office for more information.

REPORTING TIPS

This year between:

April 1 and June 30

This year between:

July 1 and Sept. 30

This year between:

Oct. 1 and Dec. 31

DEPARTMENT OF EMPLOYMENT SECURITY

Each employee who receives tips must report these tips to employers on a written statement or on Form UC-51, "Employee's Report of Tips," in duplicate. Employers can furnish this form on request. The report shall be submitted on the day the wages are paid, or not later than the next payday, and shall include the amount of tips received during the pay period.

TAXATION OF BENEFITS

Unemployment insurance benefits are taxable if you are required to file a state or federal income tax return. You may choose to have federal and/or Illinois state income tax withheld from your weekly benefits. Since benefits are not subject to mandatory income tax withholding, if you do not choose to withhold, you may be required to make estimated tax payments using Internal Revenue Service Form 1040 ES and Illinois Department of Revenue Form IL 1040 ES. For additional information, call these toll-free numbers:

Internal Revenue Service 1-800-829-1040.

Illinois Department of Revenue 1-800-732-8866

This poster fulfills all posting requirements for the Illinois Department of Employment Security. EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE FOR ALL EMPLOYEES.

REV. 08/2012

Department of Labor — IDOL Victims' Economic Security and Safety Act (VESSA)

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT

under the FLSA.

ADDITIONAL INFORMATION

Commonwealth of Puerto Rico.

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd WH1088

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

repeated. The law also prohibits retaliating against or discharging

Certain occupations and establishments are exempt from

Special provisions apply to workers in American Samoa, the

Commonwealth of the Northern Mariana Islands, and the

Some state laws provide greater employee protections;

the minimum wage, and/or overtime pay provisions.

be doubled when the violations are determined to be willful or

workers who file a complaint or participate in any proceeding

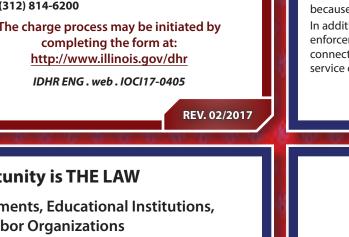
REV. 07/2016

be penalized under the law.

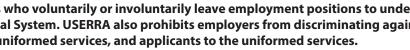
employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay 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.

This material is available in alternate format upon request.



of cumulative service in the uniformed services while yer; y for reemployment in a timely manner after	 Even if you don't elect to continue coverage during your minutary have the right to be reinstated in your employer's health plan will reemployed, generally without any waiting periods or exclusions existing condition exclusions) except for service-connected illne
	ENFORCEMENT
ed from service with a disqualifying discharge or le conditions.	 The U.S. Department of Labor, Veterans Employment and Trainin (VETS) is authorized to investigate and resolve complaints of US
red, you must be restored to the job and benefits you ot been absent due to military service or, in some	 For assistance in filing a complaint, or for any other information USERRA, contact VETS at 1-866-4-USA-DOL or visit its website a <u>http://www.dol.gov/vets</u>. An interactive online USERRA Advisor
SCRIMINATION AND RETALIATION	 at <u>http://www.dol.gov/elaws/userra.htm</u>. If you file a complaint with VETS and VETS is unable to resolve it,
ber of the • are obligated to serve in the	request that your case be referred to the Department of Justice of Special Counsel, as applicable, for representation.
uniformed service; hip in the	 You may also bypass the VETS process and bring a civil action ag employer for violations of USERRA.
 promotion; or any benefit of employment 	The rights listed here may vary depending on the circumstances. The tenotice was prepared by VETS, and may be viewed on the internet at thi http://www.dol.gov/vets/programs/userra/poster.htm . Federal law req to notify employees of their rights under USERRA, and employers may requirement by displaying the text of this notice where they customari for employees.
t retaliate against anyone assisting in the ncluding testifying or making a statement in nder USERRA, even if that person has no	
	Department of Justice Office of Special Counsel d and Reserve • 1-800-336-4590



Job Safety and Health

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

FED

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

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT

WHD DEPARTMENT OF LABOR UNITED STATES OF AMERICA

FED EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

OF LABOR

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 reaso
- 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

BENEFITS & PROTECTIONS

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 nvolved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months;

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

WH1462

REV. 07/2016

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.)

The law does not preempt any provision of any State or local law or

any collective bargaining agreement which is more restrictive with

Where polygraph tests are permitted, they are subject to

The Secretary of Labor may bring court actions to restrain

or job applicants may also bring their own court actions.

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

violations and assess civil penalties against violators. Employees

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

discontinue a test, and the right not to have test results disclosed

that resulted in economic loss to the employer

respect to lie detector tests.

EXAMINEE RIGHTS

to unauthorized persons.

ENFORCEMENT

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

REQUESTING LEAVE

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

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 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.

EMPLOYER RESPONSIBILITIES

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 employer must provide a reason for ineligibility.

Wage and Hour Division, or may bring a private lawsuit against

Applicants to and employees of most private employers, state and local governments, educational i employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

GENETICS

RETALIATION

employment practice

HAS OCCURRED

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.

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.

is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Title II of the Genetic Information Nondiscrimination

Act of 2008 protects applicants and employees from

discrimination based on genetic information in hiring.

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

disorders in family members (family medical history);

family members; the manifestation of diseases or

and requests for or receipt of genetic services by

applicants, employees, or their family members.

All of these Federal laws prohibit covered entities

from retaliating against a person who files a charge

WHAT TO DO IF YOU BELIEVE DISCRIMINATION

employment discrimination. To preserve the ability of

EEOC to act on your behalf and to protect your right to

should contact EEOC promptly when discrimination

file a private lawsuit, should you ultimately need to, you

of discrimination, participates in a discrimination

proceeding, or otherwise opposes an unlawful

There are strict time limits for filing charges of

promotion, discharge, pay, fringe benefits, job training,

classification, referral, and other aspects of employment.

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 gualified 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

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 and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

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

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

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.



IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

inform the employer if the need for leave is for a reason for which

Once an employer becomes aware that an employee's need FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the

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

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, 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

