intrusion from coworkers and the public, which may be used by the employee to

The Department has authority to recover back wages and an equal amount in

liquidated damages in instances of minimum wage, overtime, and other violations.

The Department may litigate and/or recommend criminal prosecution. Employers may

be assessed civil money penalties for each willful or repeated violation of the minimum

wage or overtime pay provisions of the law. Civil money penalties may also be assessed

may be assessed for each child labor violation that results in the death or serious injury

for violations of the FLSA's child labor provisions. Heightened civil money penalties

of any minor employee, and such assessments may be doubled when the violations

are determined to be willful or repeated. The law also prohibits retaliating against or

discharging workers who file a complaint or participate in any proceeding under the

Certain occupations and establishments are exempt from the minimum wage,

Special provisions apply to workers in American Samoa, the Commonwealth of

the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections; employers must

Some employers incorrectly classify workers as "independent contractors"

to the FLSA's minimum wage and overtime pay protections and correctly

Certain full-time students, student learners, apprentices, and workers with

disabilities may be paid less than the minimum wage under special certificates

when they are actually employees under the FLSA. It is important to know the

difference between the two because employees (unless exempt) are entitled

FED

OF LABOR

UNITED STATES

OF AMERICA

MA

MASSACHUSETTS

FED

**Since 1953** 

& Associates, Inc.®

## FEDERAL MINIMUM WAGE \$7.25 PER HOUR

**EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT** 

express breast milk.

ADDITIONAL INFORMATION

comply with both

and/or overtime pay provisions.

classified independent contractors are not.

issued by the Department of Labor.

ENFORCEMENT

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

**BEGINNING JULY 24, 2009** 

### **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, nonmining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

# 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

### DEPARTMENT OF LABOR UNITED STATES OF AMERICA



WAGE AND HOUR DIVISION





www.mass.gov/ago/fairlabor

Employees are eligible for this leave if the employer has at least 50 employees and the

• worked at least 1,250 hours for the employer during the previous 12-month period.

Most employees must be paid for 3 hours at no less than minimum wage if the employe

is scheduled to work 3 or more hours, and reports to work on time, and is not given the

To learn about rights of temporary workers and employees hired through staffing agencies,

o learn about additional rights for workers who provide housekeeping, cleaning,

childcare, cooking, home management, elder care, or similar services in a household, go to

Public Works and Public Construction Workers M.G.L. Chapter 149, Section 26-271

paid the prevailing wage, a minimum rate set by the Department of Labor Standards based

Workers who work on public construction projects and certain other public work must be

Employees who are victims, or whose family members are victims, of domestic violence

sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs,

The leave can be paid or unpaid depending on the employer's policy. This law applies to

Employees have the right to sue their employer for most violations of wage and hour laws.

similar complaints. Employees who win their case will receive back pay, triple damages,

It is against the law for an employer to punish or discriminate against an employee for

The laws explained in this poster apply to all workers, regardless of immigration status,

including undocumented workers. If an employer reports or threatens to report a worker

to immigration authorities because the worker complained about a violation of rights, the

All employers in Massachusetts must follow state and federal laws for employees who are

under 18 (minors). These laws say when, where, and how long minors may work. They also

Work Permits Required - Most workers under 18 must obtain a work permit.

mployers must keep their minor workers' work permits on file at the worksite.

To get a work permit, the minor must apply to the superintendent of the school

district where the minor lives or goes to school. To learn more about getting a

work permit, contact the Department of Labor Standards at (617) 626-6975, or

Work at a job that requires that the employee have or use a firearm

• Cook (except on electric or gas grills that do not have open flames),

operate fryolators, rotisseries, NEICO broilers, or pressure cookers

· Operate, clean or repair power-driven food slicers, grinders, choppers,

• Work in or near factories, construction sites, manufacturing plants,

past 10:15 if the employer stops serving • More than **48 hours** per

At **night**, from 7 p.m. to 7 a.m. Exception: In summer (July 1 – Labor Day),

• More than 3 hours on any school day • More than 8 hours on

• More than **8 hours** on any weekend • More than **40 hours** per

• Minors under 14 cannot work in Massachusetts in most cases.

These are just some examples of tasks prohibited under both state and federal law. For

a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor

Division: (617) 727-3465 • <a href="https://www.mass.gov/ago/youthemployment">www.mass.gov/ago/youthemployment</a>. Or contact the U.S.

Must not work

At **night**, from 10 p.m. to 6 a.m. (or

Exception: On non-school nights, may

work until 11:30 p.m. or until midnight

if working at a restaurant or racetrack.

• More than **18 hours** during any week

\*Exception: For school-approved career or experience-building jobs, students may be

Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must be

directly supervised by an adult who is located in the workplace and is reasonably

accessible. Exception: Adult supervision is not required for minors working at a

kiosk or stand in a common area of an enclosed shopping mall that has security

mechanized workplaces, garages, tunnels, or other risky workplaces

At any time:

More than 9 hours per day

• More than **6 days** per week

When school is not in

Rev. 06/2021

• Use, clean or repair certain kinds of power-driven machines

• Drive most motor vehicles or forklifts

Handle, serve, or sell alcoholic beverages

Work 30 or more feet off of the ground

processors, cutters, and mixers

· Work in freezers or meat coolers

Perform any baking activities

Department of Labor: (617) 624-6700 • www.youth.dol.gov

customers at 10 p.m.)

may work until 9 p.m.

· During school hours

or holiday

**During the School Year:\*** 

allowed to work during the school day, up to 23 hours a week

Time & Schedule Restrictions for Minors

making a complaint or trying to enforce the rights explained in this poster.

employer can be prosecuted and/or subject to civil penalties.

say what kinds of work or tasks minors must NOT do.

Dangerous Jobs & Tasks Minors Must Not Do

Employees may sue as an individual or they may sue their employer as a group if they have

Important! There are strict deadlines for starting a lawsuit. For most cases, the deadline is 3

children; and legal help, protective orders, and going to court.

employers with 50 or more employees.

Employees Have the Right to Sue

attorneys' fees, and court costs.

**Employers Must Not Retaliate** 

Employees Under 18 – Child Labor

such as health care, counseling, and victims services; safe housing; care and custody of their

been employed for at least 12 months by the employer and

expected hours of work.

Rights of Temporary Workers

Rights of Domestic Workers

www.mass.gov/ago/DW.

call: 617-626-6970 or go to: www.mass.gov/dols.

REV. 07/2016

M.G.L. Chapter 149, Section 159C

M.G.L. Chapter 149, Section 190

M.G.L. Chapter 149, Section 52E

M.G.L. Chapter 149, Section 150:

M.G.L. Chapter 149, Section 148A;

M.G.L. Chapter 149, Sections 56 –105

M.G.L. Chapter 151, Section 19

M.G.L. Chapter 151, Sections 1B and 20

## MA Wage and Hour Laws Office of Massachusett **Attorney General**

**Fair Labor Hotline** (617) 727-3465

TTY (617) 727-4765

COMMONWEALTH OF MASSACHUSETTS

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

\$11.00

Maura Healey

OFFICE OF THE ATTORNEY GENERAL

\$3.75

## M.G.L. Chapter 151, Sections 1, 2, 2A, and 7 Wage

Minimum Wage	M.G.L. Chap	
In Massachusetts, all workers are presumed to be employees. The	Effective Date	
minimum wage applies to <b>all</b> employees, except: • agricultural workers (\$8.00 per hour is the minimum wage for	January 1, 2017	
	January 1, 2019	
most agricultural workers),	January 1, 2020	
<ul><li>members of a religious order,</li><li>workers being trained in certain</li></ul>	January 1, 2021	
educational, nonprofit, or religious organizations, and	January 1, 2022	
outside salespeople.	January 1, 2023	

hour is the minimum wage for	January 1, 2019	\$12.00	\$4.35	
most agricultural workers),  members of a religious order, workers being trained in certain	January 1, 2020	\$12.75	\$4.95	
	January 1, 2021	\$13.50	\$5.55	
educational, nonprofit, or religious organizations, and	January 1, 2022	\$14.25	\$6.15	
• outside salespeople.	January 1, 2023	\$15.00	\$6.75	
<b>Tips</b> M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section The hourly "service rate" applies to workers who provide services to customers and who				

make more than \$20 a month in tins The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage per each shift. Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips.

Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees Tip pooling is allowed only for wait staff, service bartenders, and other service employees. M.G.L. Chapter 151, Sections 1A and 1E

Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic

minimum wage, not the service rate. Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit <a href="https://www.mass.gov/ago/fairlabor">www.mass.gov/ago/fairlabor</a> or call the Attorney

General's Fair Labor Division at (617) 727-3465. M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02 The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.

to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week Employees who *quit* must be paid in full on the next regular payday or by the first Saturday after they guit (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work.

Hourly employees must be paid every week or every other week (bi-weekly). The deadline

**Paystub Information** M.G.L. Chapter 149, Section 148 All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during

**Pay Deductions** M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05 An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account). An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete Meal Breaks

M.G.L. Chapter 149, Sections 100 and 101 Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, a the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

**Payroll Records** M.G.L. Chapter 151, Section 15 Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week).

Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places. M.G.L. Chapter 149, Section 148C Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick

time on their first day of work. Employees must have access to their sick leave 90 days after starting work. Eligible employees may use their sick leave if they or their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for themselves or their child to address the effects of domestic violence

Unless it is an emergency, employees must notify the employer before using sick leave. Employees who miss more than 3 days in a row may need to provide their employer a

Employers with 11 or more employees must provide paid sick leave. Employers with fewer than 11 employees must provide sick leave; however, it does not need to be paid. Employers Must Not Discriminate

M.G.L. Chapter 151B, Section 4 Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of a different gender. They must not discriminate in hiring, pay or other compensation, or other terms of employment based on a person's: Race or color

Sex (including pregnancy)

MA

MA

 Military service Sexual orientation or gender identity or expression Genetic information or disability

**Small Necessities Leave** months for their

M.G.L. Chapter 149, Section 52D In some cases, employees have the right to take up to 24 hours unpaid leave every 12 · child's school activities, child's doctor or dentist appointment, or

## (?) Contact the Attorney General's Fair Labor Division:

elderly relative's doctor or dentist appointments, or other appointments

(617) 727-3465 - www.mass.gov/ago/fairlabor

from 8 p.m. until the mall closes.

## NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal inimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

## THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Sexual Harassment at work does not have to be tolerated.

It's Illegal. You can file a complaint with the If you are being sexually harassed, report it immediately to your supervisor

Massachusetts Commission Against Discrimination (MCAD). Visit or contact MCAD at one of the following locations: ONE ASHBURTON PLACE Room 601 SEXUAL HARASSMENT OFFICER Boston, MA 02108 617/994-6000

> 617/994-6196 TTY MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

# **Earned Sick Time**

## Notice of Employee Rights Beginning July 1, 2015, Massachusetts employees have the right to

earn and take sick leave from work. WHO QUALIFIES?

**All employees** in Massachusetts can earn sick time. This includes full-time, part-time, temporary, and seasonal employees.

**HOW IS IT EARNED?** 

Employees earn 1 hour of sick time for every 30 hours they work. Employees can earn and use up to 40 hours per year if they work

enough hours. Employees with unused earned sick time at the end of the year can rollover Employees **begin earning** sick time on their first day of work and **may begin** 

using earned sick time 90 days after starting work. If an employer has 11 or more employees, sick time must be paid. For employers with 10 or fewer employees, sick time may be unpaid.

Paid sick time must be paid on the same schedule and at the same rate as regular wages WHEN CAN IT BE USED? An employee can use sick time when the employee or the employee's child,

spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence The smallest amount of sick time an employee can take is one hour. Sick time cannot be used as an excuse to be late for work without advance

Use of sick time for other purposes is not allowed and may result in an employee being disciplined

**CAN AN EMPLOYER HAVE A DIFFERENT POLICY?** Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

Massachusetts Commission Against Discrimination.

Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law. Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee

436 DWIGHT STREET

413/739-2145

Springfield, MA 01103

Room 220

**NOTICE & VERIFICATION** Employees must **notify** their employer before they use sick time, except in a emergency

Employers may require employees to use a reasonable notification If an employee is out of work for 3 consecutive days **OR** uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider

> **DO YOU HAVE QUESTIONS?** Call the Fair Labor Division at 617-727-3465 •

**Visit** www.mass.gov/ago/earnedsicktime **Commonwealth of Massachusetts** Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations. It is unlawful to violate any provision of the Earned Sick Time Law. Violations of any provision of the Earned Sick time law, M.G.L. c. 149, § 148C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of

subsection (b) of M.G.L. c. 149, §27C(b) and to § 150.

This notice is intended to inform. Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime

Rev. 07/2016

## **EMPLOYEE RIGHTS**

**EMPLOYEE POLYGRAPH PROTECTION ACT** The Employee Polygraph Protection Act prohibits most private workplace incident (theft, embezzlement, etc.) that resulted in economic loss employers from using lie detector tests either for pre-employment to the employer.

screening or during the course of employment 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 **PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or inh applicant to take a lie detector test, and from discharging, disciplining, **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict or discriminating against an employee or prospective employee for refusing to

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

take a test or for exercising other rights under the Act.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a

> WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

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

compensation, benefits, training, classification and other aspects of

accommodate an otherwise qualified person with a disability.

employment. Disability discrimination may include failing to reasonably

It is illegal to retaliate against any person because s/he has opposed any

M.G.L. c. 151B prohibits discrimination and harassment against certain

discriminatory practices or because s/he has filed a complaint, testified, or

assisted in any proceeding before the Commission. It is also illegal to aid, abet,

incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to

domestic workers where the employer has one (1) or more employee.\* While

some exclusions apply, domestic workers generally include individuals paid to

perform work of a domestic nature within a household on a regular basis, such

as housekeeping, housecleaning, nanny services, and/or caretaking. Employers

are prohibited from engaging in sexual harassment and harassment and/or

standards concerning the conduct and length of the test. Examinees have a

the right to refuse or discontinue a test, and the right not to have test results

disclosed to unauthorized persons.

**ENFORCEMENT** 

number of specific rights, including the right to a written notice before testing,

The Secretary of Labor may bring court actions to restrain violations and assess

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

civil penalties against violators. Employees or job applicants may also bring

## **Fair Employment in Massachusetts**

Applicants to and employees of private employers with 6 or more employees\*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:

RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification

and other aspects of employment on the basis of race, color, religion, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. *The law also* prohibits harassment based on the protected classes set forth above.

The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or

> BOSTON OFFICE: 1 ASHBURTON PL., SUITE 601, BOSTON, MA 02108 - P: 617-994-6000 F: 617-994-6024 NEW BEDFORD OFFICE: 800 PURCHASE St., ROOM 501, NEW BEDFORD, MA 02740 - P: 508-990-2390 F: 508-990-4260 Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 - P: 413-739-2145 F: 413-784-1056 Worcester Office, 484 Main Street, Room 320, Worcester, MA 01608 - P: 508-453-9630 F: 508-755-3861

### THE COMMONWEALTH OF MASSACHUSETTS **EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT**

DEPARTMENT OF UNEMPLOYMENT ASSISTANCE Information on Employees' Unemployment Insurance Coverage

MA

If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to apply for Unemployment Insurance (UI) benefits. Before you file, your employer will give you a copy of the pamphlet: How to Apply for Unemployment Insurance Benefits, provided by the Massachusetts Department of Unemployment Assistance (DUA). You must be in the United States, its territories, or Canada when filing a claim or certifying for weekly UI benefits.

Unemployment Insurance services are available by telephone. You can apply for Unemployment Insurance benefits, reopen a current claim, obtain up-to-date information on the status of your claim and benefit payment, resolve problems, and sign up for direct deposit — all by telephone. To apply for benefits by telephone, call the TeleClaim Center at 1-877-626-6800 from area codes 351, 413, 508, 774, and 978; or 1-617-626-6800 from any other area code. You will be

Note: During peak periods from Monday through Thursday, call scheduling may be implemented providing priority for callers based on the last digit of their Social Security Number. This helps ensure that you and others can get through to the TeleClaim Center in a timely manner. Please check the schedule on the right before calling.

7, 8, 9 Any last digit Friday อยาะสานสะดับปี ดับหนึ่นผลับสำคับ. Docikraan sa gen enförnasyon enpôtse សូមបកស្តែងជាបន្ទាន់ ។ 본 문서에는 중요한 정보가 포함되어

IMPORTANT: Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer, and the identification number assigned to the employer by the Department of Unemployment Assistance. An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services,

일습니다. 본 문서를 즉시 현역하도록 하십시오.

www.mass.gov/dua

The Commonwealth of Massachusetts **DEPARTMENT OF INDUSTRIAL ACCIDENTS** LAFAYETTE CITY CENTER, 2 AVENUE DE LAFAYETTE, BOSTON, MA 02111

(617) 727-4900 - www.mass.gov/dia As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with: NAME OF INSURANCE COMPANY

NAME OF INSURANCE AGENT

TO BE POSTED BY EMPLOYER

The law expands the notice requirements, mandating that employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave. Boston: One Ashburton Place, Room 601, Boston, MA 02108; disabled, for adoption. The new law goes into effect on April 7, 2015 and

If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave. that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The parental leave law is now gender neutral. Both men and

expands the current leave law in the following ways:

The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months. The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave. The law clarifies that an employee seeking leave must provide at

to provide notice as soon as practicable if the delay is for reasons

The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to

an employee on leave for the birth of a child.

MA

**Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103; 413-739-2145 Worcester: 484 Main Street, Room 320, Worcester, MA 01608; 508-453-9630

work related injury. In cases requiring hospital attention, employees are hereby

notified that the insurer has arranged for such attention at the

New Bedford: 800 Purchase, Room 501, New Bedford, MA 02740; 508-990-2390 Visit our website for more resources and instructions on filing a complaint: www.mass.gov/mcad

Formatted by HH

REV. 3/10/2015

Covered individuals may be entitled to family and medical leave for the

serious health condition that incapacitates them from work. up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, to care for a family member with a serious health condition, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty

up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

To fund PFML benefits, employers may deduct payroll contributions of up to

0.344% (adjusted annually) from a covered individual's wages or other earnings

A covered individual's average weekly earnings will determine his or her benefit amount, for a maximum weekly benefit of up to \$1,084.31 (adjusted annually). Who is a Covered Individual Under the Law? Generally, a worker qualifies as a covered individual eligible for paid family and S/he is covered by unemployment insurance in Massachusetts and paid wages by a Massachusetts employer; or S/he is a self-employed individual who resides and works in

Massachusetts and chooses to opt-in to the program; and

than \$5,700 (adjusted annually) in the last four completed quarters preceding the application for benefits. Job Protection Generally, an employee who has taken paid family or medical leave must be restored to the employee's previous position or to an equal position, with the

These job protections do not apply to former employees, independent contractors, or self-employed individuals. Employers must continue to provide for and contribute to employees' employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the employees had continued working for the duration of such leave.

It is unlawful for an employer to discriminate or retaliate against an employee for exercising any right to which s/he is entitled under

If you have questions or concerns about your Paid Family and Medical Leave rights, please call: (833)344-7365 or visit: https://www.mass.gov/DFML

Rev. 11/2021

## 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

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

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

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

have applied for membership in the uniformed

then an employer may not deny you:

promotion; or reemployment; retention in employment:

are a past or present member of the uniformed

are obligated to serve in the uniformed service;

WH1462 REV. 07/2016

because of this status.

FED

**LEAVE ENTITLEMENTS** 

any benefit of employment

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

• 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.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate

and resolve complaints of USERRA violations For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can

be viewed at http://www.dol.gov/elaws/userra.htm If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and

requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: Upon return from FMLA leave, most employees must be restored to the The birth of a child or placement of a child for adoption or

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

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; An employee who works for a covered employer must meet three criteria 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,

iniury 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.

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

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.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

qualifying serious health condition;

## Have worked for the employer for at least 12 months;

\*Special "hours of service" requirements apply to airline flight crew **REQUESTING LEAVE** Generally, employees must give 30-days' advance notice of the need

enough information to the employer so it can determine if the leave For additional information or to file a complaint:

1-866-4-USWAGE

U.S. Department of Labor • Wage and Hour Division • WH1420

REV. 04/2016 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

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

Programs or Activities Receiving Federal Financial

opposes discrimination under these Federal laws.

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.

Assistance RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972

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.

prohibits employment discrimination on the basis of sex in educational

programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES



 A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a work-

retaliated against. Receive information and training on job

the right to have a representative contact OSHA on your behalf. Participate (or have your representative)

speak in private to the inspector. • File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been

 See any OSHA citations issued to your Request copies of your medical records, tests

RETALIATION **Labor Organizations** Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and The U.S. Equal Employment Opportunity Commission (EEOC), to reasonably accommodate an employee's religious practices where the

> about EEOC, including information about charge filing, is available at Employers Holding Federal Contracts or Subcontracts

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN employment.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS The Vietnam Era Veterans' Readiustment Assistance Act of 1974, as

amended, 38 U.S.C. 4212, prohibits job discrimination and requires



**Employers must:** 

All workers have the right to:

hazards, including all hazardous substances in your workplace. Request a confidential OSHA inspection

participate) in an OSHA inspection and

retaliated against for using your rights.

This poster is available free from OSHA.

Contact OSHA. We can help.

**Equal Employment Opportunity is THE LAW** (family medical history); and requests for or receipt of genetic services

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

Section 503 of the Rehabilitation Act of 1973, as amended, protects In addition to sex discrimination prohibited by Title VII of the Civil Rights 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

any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement



 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

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

Notify OSHA within 8 hours of a workplace

the alleged violations. small and medium-sized employers, without citation or penalty, through OSHA-supported

consultation programs in every state.



J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

**ONLINE** JAN2022

**TWO** ways to verify poster compliance!

# REV. 04/2017

informing an employer that the employee is or will be unable to perform

necessary. Employees must inform the employer if the need for leave is

his or her job functions, that a family member cannot perform daily

activities, or that hospitalization or continuing medical treatment is

for a reason for which FMLA leave was previously taken or certified.

supporting the need for leave. If the employer determines that the

certification is incomplete, it must provide a written notice indicating

Once an employer becomes aware that an employee's need for leave is

for a reason that may qualify under the FMLA, the employer must notify

the employee if he or she is eligible for FMLA leave and, if eligible, must

Employers can require a certification or periodic recertification

## THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION qualifies for FMLA protection. Sufficient information could include

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

same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave,

opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

in order to be eligible for FMLA leave. The employee must: 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.

for FMLA leave. If it is not possible to give 30-days' notice, an employee employer's usual procedures.

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

also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for 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, Wage and Hour Division, or may bring a private lawsuit against an

what additional information is required.

**EMPLOYER RESPONSIBILITIES** 

The FMLA does not affect any federal or state law prohibiting



by applicants, employees, or their family members.

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

the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring

undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified If you believe you have been discriminated against in a program of individuals with disabilities at all levels of employment, including the

members; the manifestation of diseases or disorders in family members affirmative action to employ and advance in employment disabled

# IT'S THE LAW!

reporting a work-related injury or illness. Comply with all applicable OSHA standards.

 Post OSHA citations at or near the place of On-Site Consultation services are available to



To update your labor law posters contact

must notify the employer as soon as possible and, generally, follow the discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. Employees do not have to share a medical diagnosis, but must provide

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 is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise

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 fringe benefits, job training, classification, referral, and other aspects of **INDIVIDUALS WITH DISABILITIES** 

# related injury or illness, without being

This poster is in compliance with federal and state posting requirements.

Employers may not refuse to hire or terminate an employee for failing to

M.G.L. c. 151B prohibits discrimination the basis of disability, a record

There are two ways to apply for UI Benefits: UI Online is a secure, easy-to-use, self-service system. You can apply for benefits, reopen an existing claim, request weekly benefit payments, check your claim status, sign up for direct deposit, update your address, and even file an appeal online. To apply for benefits using UI Online, go to www.mass.gov/dua, and select UI Online for Claimants, and complete the required information to submit your application.

MEDICAL TREATMENT The above named insurer is required in cases of personal injuries arising out

MA **Commission Against Discrimination** 

Notice of Benefits Available Under M.G.L. Chapter 175M **Paid Family and Medical Leave** S/he earned more than 30 times the expected benefit and more

> An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court, and may be entitled to damages of as much as three times his or her lost wages If an employer offers employees paid family leave, medical leave, or both, with

discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave. **CRIMINAL HISTORY INQUIRIES** The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists. MENTAL HEALTH FACILITY ADMISSION INQUIRIES

> furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility. IF YOU HAVE BEEN DISCRIMINATED AGAINST If you feel you have been harassed or discriminated against, you should ediately file a charge of discrimination with the Massachusetts nission Against Discrimination, www.mcad.gov, at one of the offices

An agreement with your employer to arbitrate your discrimination claim(s) does not bar vou from filing a charge of discrimination.

For more information, please see our website: <a href="www.mass.gov/mcad/">www.mass.gov/mcad/</a> REV. 04/07/2015

Employees of this business or organization are covered by Unemployment Insurance (UI), a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits.

asked to enter your Social Security Number and the year you were born. You will then be connected to an agent who will take the information necessary to file your If the last digit of your Social Security Number is: Assigned day to call Teleclaim is: 4, 5, 6 Wednesday

Notice to Employees

hospital and medical services in accordance with the provisions of the Workers' Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The easonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the

EMPLOYER'S WORKERS'

COMPENSATION OFFICER (IF ANY)

**Parental Leave** An Act Relative to Parental Leave expands the current maternity leave lay G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically

least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee

up to 20 weeks of paid medical leave in a benefit year if they have a

same status, pay, employment benefits, length-of-service credit, and seniority as of the date of leave.

benefits that are at least as generous as those provided under the law, the continue to be protected from discrimination and retaliation under the law even when an employer opts to provide paid leave benefits through a private plan. This notice must be posted in a conspicuous place on the employer's premises.

FED Private Employers, State and Local Governments, **Educational Institutions, Employment Agencies and** 

the following bases:

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

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,

Act, as amended, the Equal Pay Act of 1963, as amended, prohibits

sex discrimination in the payment of wages to women and men

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

accommodation does not impose undue hardship.

employee, barring undue hardship.

employment.

SEX (WAGES)

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

pregnancy), or national origin. Religious discrimination includes failing

of employment, on the basis of race, color, religion, sex (including

performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes

information about genetic tests of applicants, employees, or their family

of your workplace if you believe there are unsafe or unhealthy conditions. You have

that measure hazards in the workplace, and the workplace injury and illness log.

QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify Enter this code: 62820-012022

62820

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NOTICE: Under the Massachusetts Pregnant Workers Fairness Act, employers must distribute a written notice of the right to be free from discrimination due to pregnancy or a condition

related to pregnancy. The notice shall be provided to employees in a handbook, pamphlet, or by other means. Posting does not fulfill the notice requirement. For more information, contact the

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.