

LABOR LAWS

FEDERAL

ALABAMA

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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 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

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

TIP CREDIT

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

NURSING MOTHERS

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

ENFORCEMENT

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

ADDITIONAL INFORMATION

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

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**

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- You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
- you ensure that your employer receives advance written or verbal notice of your service; you have five years or less of cumulative service in the uniformed services while with that
- particular employer you return to work or apply for reemployment in a timely manner after conclusion of service;
- and you have not been separated from service with a disqualifying discharge or under other than
- honorable conditions.
- If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you:

- are a past or present member of the are obligated to serve in the uniformed uniformed service: service:
- have applied for membership in the
- uniformed service; or
- then an employer may not deny you: initial employment;
 - promotion; or
 - reemployment; any benefit of employment
- retention in employment; because of this status.
- In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

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

ENFORCEMENT

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

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

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

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

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

The birth of a child or placement of a child for adoption or foster care;

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- 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 involved 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.

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

REQUESTING LEAVE

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

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

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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA WHO WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 TTY: 1-877-889-5627	U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590 REV. 05/2022 FED U.S. Equal Employment Opportunity Commission Know Your Rights: Workplace Discrimination is Illegal	EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as
REV. 07/2016 AL Department of Labor CHILD LABOR LAWS Each employer shall obtain and display the proper Child Labor Certificate(s) for each location where minors under the age of 18 are employed. To apply for a certificate(s) go to www.labor.alabama.gov Persons under 14 years of age SHALL NOT BE EMPLOYED	 The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Who is Protected? Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for membership in a union What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers) Unions 	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 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. DEPARTMENT OF LABOR UNITED STATES OF AMERICA WHO Image: Department of Labor of Labor of Labor of Labor of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) Image: Minimation of the state information or to file a complaint information or tot
Minors Age 14/15Minors Age 16/17/18Employment Certificate (Renewed Annually)Class I Certificate To employ minors age 14/15Class II Certificate To employ minors age 16/17Work TimeDuring the Months when PublicDuring the Months when Public	 Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of: Race Color Religion National origin 	U.S. Department of Labor • Wage and Hour Division • WH1420 REV. 04/201 FED EMPLOYEE RIGHTS
Restrictions (Minors Under age 19)Schools are in Session No more than 3 hours on any school day No more than 8 hours on a non- school day No more than 6 days per week No more than 18 hours per week No more than 18 hours per week Not before 7am or after 7pm on Any Day of the Week Not during school hours (8am-3pm)Schools are in Session Minors 16-17-18 years old who are enrolled in public or private school, may NOT work after 10pm or before 5am on an night preceding a school day.	 Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) Disability Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding. What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct) 	 EMPLOYEE POLYGRAPH PROTECTION ACT The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment. PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or The Act also permits polygraph testing, subject to restrictions of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.
During Months when Public Schools are NOT in Session No more than 8 hours per day No more than 6 days per week 	 Hiring or promotion Assignment Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice Benefits Job training Classification Referral 	 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 EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.
required for any 14 or 15 year old who is employed for more than 5 hours continuously.and older.OccupationsSee AL §25-8-33 to 35 for a detailed list of prohibited occupationsSee AL §25-8-43 for a detailed list of prohibited occupations.	 Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding. What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time 	 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 ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.
Record KeepingEach employer must keep on premises an Employee Information Form (available at www.labor.alabama.gov), Proof of Age, and Time Records showing the number of hours worked each day, starting and ending times, and break times for each employee 18 years of age and younger.	 limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways: Submit an inquiry through the EEOC's public portal: <u>https://publicportal.eeoc.gov/Portal/Login.aspx</u> Call 1–800–669–4000 (toll free) 1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone) 	manufacturers, distributors and dispensers. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT
 *Children of parents who own their own business are NOT exempt from Alabama Child Labor Law Alcoholic Beverages Employees must be: 21 to serve alcoholic beverages for consumption on premises (18 if licensee is RVP certified). 16 and older may be employed in such establishments as busboys, janitors, dishwashers, cooks, hostesses, or seaters. 	Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov. Image: Complexity of the temperature of temp	DEPARTMENT OF LABOR UNITED STATES OF AMERICA WHI A62 REV. 07/201
14 and 15 year old minors SHALL NOT work in any establishment that serves alcohol for	nondiscrimination and affirmative action commitments of companies doing business with the Federal	

consumption on premises

(Note: Members of the immediate family of the owner or operator who are 14 or 15 years of age may be employed in such establishments provided they do not serve, sell, dispense, or handle alcohol.)

Inspections by the Department of Labor

The Department of Labor has the right to enter, without warrant or notice, any business establishment for the purpose of routine inspections. These visits shall be conducted as frequently as needed to ensure that minors are employed in compliance with this act. The department shall enforce this act and may administer fines and/or prosecution for any violation of this act.

This notice is to be posted in a conspicuous place. This notice is for reference only. For full text, consult §25-8-32 to 63. Any difference in state or federal law regarding child labor, the law providing the most protection to the minor takes precedence.

FOR MORE INFORMATION CONTACT:

THE ALABAMA DEPARTMENT OF LABOR CHILD LABOR ENFORCEMENT 649 MONROE STREET MONTGOMERY, AL 36131 (334) 956-7390 www.labor.alabama.gov

child.labor@labor.alabama.gov

America's Workforce Network Your Job Insurance

Workers in this establishment are covered by the Alabama Unemployment Compensation Law.

YOU MAY BE ENTITLED TO BENEFITS IF:

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(1) You become totally or partially unemployed under conditions defined by law and you are otherwise eligible and qualified for benefits and

(2) You are separated from your job through no fault of your own.

However, if you voluntarily leave your employment without good cause connected with your work of if you are discharged for "cause", your benefits may be postponed and reduced or entirely denied.

IMPORTANT: Be sure that your employer is using your correct social security number; if not, your claim may be delayed.

When you become unemployed:

- To file your unemployment claim, call toll free 1-866-234-5382 or file by internet at www.labor.alabama.gov.
- To obtain general information concerning your rights to benefits for either total or partial unemployment, call toll free 1-800-361-4524 or write to the Alabama Department of Labor, 649 Monroe Street Montgomery, Alabama 36131, or log on to our website at www.labor.alabama.gov.

ALABAMA DEPARTMENT OF LABOR

Alabama Administrative Code 480-4-2-.19 requires that this notice be posted conspicuously

Department of Labor

Unemployment Compensation Fraud Is A Crime

Some examples of fraud include:

- Making false statements to obtain unemployment compensation
- Attempting to draw benefits while working
- Continuing to file a claim after returning to work
- Being paid "under the table" while collecting unemployment compensation
- Not being truthful when filing your initial or weekly claims FRAUD IS STEALING! FRAUD PENALTIES ARE SEVERE

Up to a Class B Felony

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contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Government. If you are applying for a job with, or are an employee of, a company with a Federal

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

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

Asking About, Disclosing, or Discussing Pay

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

Disability

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Protected Veteran Status

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

Retaliation

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

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities 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)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <u>https://www.dol.gov/agencies/ofccp/contact</u>.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

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

Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

Department of Labor **Workers' Compensation Information**

If you are injured on the job, or contract an occupational disease, notify your employer immediately. Your employer will advise you of the physician to see for authorized medical treatment

WORKERS' COMP INSURANCE CARRIER

TELEPHONE NUMBER

ASSISTANCE IS AVAILABLE UNDER THE ALABAMA WORKERS' COMPENSATION LAW INCLUDING MEDIATION SERVICE. FOR INFORMATION CALL: 1-800-528-5166



REV. 10/20/2022