

FEDERAL LABOR LAWS

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR

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

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

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR
1-866-487-6243 • www.dol.gov/agencies/whd
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Know Your Rights: Workplace Discrimination is Illegal

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 and How?
Employees (contract and temporary), 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)
• Federal institutions (as employers)
• Unions
• Staffing agencies

What Types of Employment Discrimination are Illegal?
Discrimination on the basis of:
• Race
• Color
• Religion
• National origin
• Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
• Age (40 and older)
• Disability
• Genetic information (including employee requests for genetic testing or disclosure of genetic tests, genetic services, or family medical history)
• Retaliation for filing a charge, requesting investigation, or participating in a discrimination hearing, investigation, or proceeding.
• Harassment, sexual or hostile, or creating a hostile work environment regarding disability discrimination or harassment.

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:
• Discharging, firing, or lay-off
• Harassment (including unwelcome verbal or physical conduct)
• Hiring or promotion
• Assignment
• Pay (equal wages or compensation)
• Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition, or a sincerely held religious belief, observance or practice
• Benefits
• Job training
• Classification
• Retaliation
• Obtaining or disclosing genetic information of employees
• Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
• Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise their rights regarding disability discrimination (including accommodations) or pregnancy accommodations

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 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: <https://eefc.eeoc.gov>
• Postal application
• 1-800-689-4000 (toll free)
• 1-800-689-6025 (TTY)
• 1-844-234-5122 (US video phone)
• An EEOC field office (information at www.eeoc.gov/field)
• Email: info@eeoc.gov
• Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

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

PROHIBITIONS
Employers are generally prohibited from requiring or requesting an 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 TESTS TO BE ADMINISTERED IN THE PRIVATE SECTOR, SUBJECT TO RESTRICTIONS, TO CERTAIN PROFESSIONAL, SECURITY AND OTHER EMPLOYERS.

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

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

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

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Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?
The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees are those who have worked for 12 workweeks of FMLA leave in a 12-month period for:
• The firm, subject to certain exemptions for small businesses.
• Your annual medical or physical health condition that makes you unable to work.
• To care for your spouse, child or parent with a serious medical or physical health condition, and
• Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is in military service.

Uneligible employees are those who are not covered by FMLA leave in a 12-month period for:
• Employees who are not the spouse, child, parent or other of a covered employee with a serious injury or illness that may take up to 12 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

Am I eligible to take FMLA leave?
You are an eligible employee if all of the following apply:
• You work for a covered employer.
• You have worked for your employer at least 12 months.
• You have at least 1,250 hours of service for your employer during the 12 months before your leave start.
• Your employer has at least 50 employees within 75 miles of your work location.

How do I request FMLA leave?
Generally, to request FMLA leave you must:
• Follow your employer's normal policies for requesting leave, or
• Give notice at least 30 days before your need for FMLA leave, or
• If advance notice is not possible, give notice as soon as possible.
State employees may be subject to certain limitations in pursuit of their leave requests regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?
If you are eligible for FMLA leave, your employer must:
• Allow you to take job-protected time off work for a qualifying reason,
• Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
• Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.
Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or contacting with a WHD investigator.

Where can I find more information?
Generally, to request FMLA leave you must:
• Follow your employer's normal policies for requesting leave, or
• Give notice at least 30 days before your need for FMLA leave, or
• If advance notice is not possible, give notice as soon as possible.
State employees may be subject to certain limitations in pursuit of their leave requests regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

Individuals with Disabilities
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of race, color, or national origin in employment or activities receiving Federal financial assistance. Employee discrimination is covered by Title VII if the primary objective of the program or activity is to provide employment, or when employment discrimination causes or may cause discrimination in providing certain educational programs. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in employment or activities receiving Federal financial assistance. Employee discrimination is covered by Title VII if the primary objective of the program or activity is to provide employment, or when employment discrimination causes or may cause discrimination in providing certain educational programs. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in employment or activities receiving Federal financial assistance. Employee discrimination is covered by Title VII if the primary objective of the program or activity is to provide employment, or when employment discrimination causes or may cause discrimination in providing certain educational programs.

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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 services and:
• You ensure that your employer receives advance written or verbal notice of your service;
• You have the 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.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION
If you:
• are a past or present member of the uniformed service;
• have applied for membership in the uniformed service; or
• are obligated to serve in the uniformed service;
then an employer may not deny you:
• Initial employment, or reemployment, or promotion in employment;
• Promotion; or • any benefit or retirement because of this status.

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-DOLE or visit its website at <https://www.dol.gov/agencies/vets>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/vets/userrad>
• 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.

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

OSHA
Occupational Safety and Health Administration
U.S. Department of Labor
1-866-487-2365

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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 work-related injury or illness, without being retaliated against.

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.

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.

Contact OSHA. We can help.
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1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

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