FEDERAL WAGE AND LABOR LAW INSTITUTE

UNDER THE FAMILY AND MEDICAL LEAVE ACT

FMLA requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active

To care for the employee's child after birth, or placement for adoption or foster care;

For a serious health condition that makes the employee unable to perform the

Military Family Leave Entitlements

ressing certain financial and legal arrangements, attending certain counseling sessions, lattending post-deployment reintegration briefings.

to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a member of the Armed Forces (including a member of the or therapy, for a serious injury or illness and who was a member of the Armed Force (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment,

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

Continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may

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

SERIOUS HEALTH CONDITION A serious health condition is an illness, injury, impairment, or physical or mental condition that

a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

In the case of a member of a regular component of the Armed Forces, duty during the FMLA does not affect any Federal or State law prohibiting discrimination, or supersed leployment of the member with the Armed Forces to a foreign country; and In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, order to active duty under a call order to



1-866-4US-WAGE(1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV

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

must provide a reason for the ineligibility.

EMPLOYMENT STANDARDS ADMINISTRATION Wage and Hour Division Washington, D.C. 20210

NOTICE

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.

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

Federal, State and local governments are not affected by the law. Also, the law does not apply to

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject

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

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

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

Additional information may be obtained, and complaints of violations may be filed, at local offices of the Wage and Hour Division. To locate your nearest Wage-Hour office, telephone our toll-free information and help line at 1-866-4USWAGE (1-866-487-9243). A customer service representative is available to assist you with referral

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB

Under the NLRA, it is illegal for a union or for the

Threaten or coerce you in order to gain your support for the union.

Refuse to process a grievance because you have criticized union

Use or maintain discriminatory standards or procedures in making

Cause or attempt to cause an employer to discriminate against

Take adverse action against you because you have not joined or

If you and your coworkers select a union to act as your

collective bargaining representative, your employer and the

union are required to bargain in good faith in a genuine effort

to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly

represent you in bargaining and enforcing the agreement.

officials or because you are not a member of the union.

union that represents you in bargaining with your

APPLICANTS CAN READILY SEE IT. *The law does not preempt any provision of any State or local law or any collective bargaining agreement which is

EMPLOYMENT STANDARDS ADMINISTRATION Wage and Hour Division Washington, D.C. 20210

more restrictive with respect to lie detector tests.

WH Publication 146 June 2003









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 Disaste Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service, you have the right to elect to continue you ting employer-based health plan coverage for you and your dependents for up to 24 months
- 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

- f you are eligible to be reemployed, you must be restored to the job and benefits you would have 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
 - · You may also bypass the VETS process and bring a civil action against an employer for violations

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: http://www.dol.gov/vets/programs/u



person has no service connection.

initial employment;

retention in employment





U.S. Department of Justice

Job Safety and Health Administration

It's the law!

You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.

You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.

Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.

Your employer must post this notice in your workplace.

You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

EMPLOYERS:

You must furnish your employees a place of employment free from recognized hazards.

You must comply with the occupational safety and health standards issued under the OSH Act.

You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name

You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate

and Health Administration **U.S.** Department of Labor



correcting hazards or complying with standards is available to employers, without citation or penalty, through **OSHA-supported consultation** programs in each state.

1-800-321-OSHA

OSHA 3165-12-06R

ivil Rights Act of 1964, as amended, protects applicants and employees from discrimination, starting, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other basis of race, color, religion, sex (including pregnancy), or national origin.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free) Try number for individuals with hearing impairments). EEOC field office information is available at various and the protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free) are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free) or 1-800-669-4000 (toll-free) or 1-800-669-4000

tantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working liftons, in the same establishment

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following baser RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

INDIVIDUALS WITH DISABILITIES

Programs or Activities Receiving Federal Financial Assistance

phone directories in the U.S. Gove

ACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
xecutive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or ational origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Lecentry separated veterans (weterans who served during a war or in a campaign or expedition for which a campaign bac been authorized), and Armed Forces service medal veterans who, while on active duty, particular to the control of the activity.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise 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 individuals with disabilities at all levels of employment, including the executive level.

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

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

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Westbisteries D. C. 2010, 1, 200, 307 (53), Legal Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Westbisteries D. C. 2010, 1, 200, 307 (53), Legal Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Westbisteries D. C. 2010, 1, 200, 307 (53), Legal Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Westbisteries D. C. 2010, Legal Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Mechanics and Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Mechanics and Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Accessed My Mechanics and Contract Compliance Prog

EOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

UNDER THE FAIR LABOR STANDARDS ACT

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions

TIP CREDIT

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the lav

Nso, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different

INFORMATION

For additional information:



EMPLOYEE POLYGRAPH PROTECTION ACT

tests given by the Federal Government to certain private individuals engaged in national security-

to restrictions, to certain prospective employees of security service firms (armored car, alarm, and U.S. DEPARTMENT OF LABOR guard), and of pharmaceutical manufacturers, distributors and dispensers,

resulted in economic loss to the employer.

Employee Rights Under the National Labor Relations Act

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

 Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment Form, join or assist a union.

 Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.

 Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union. Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints

employer to:

job referrals from a hiring hall.

do not support the union.

you because of your union-related activity.

directly with your employer or with a government agency, and seeking help from a union. Strike and picket, depending on the purpose or means of the strike or the picketing.

Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

 Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.

 Question you about your union support or activities in a manner that discourages you from engaging in that activity.

 Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such

Threaten to close your workplace if workers choose a union to

discourage or encourage union support.

 Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.

Spy on or videotape peaceful union activities and gatherings or

pretend to do so.

impaired.

represent them.

Promise or grant promotions, pay raises, or other benefits to

addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil ights Act of 1964, as amended, as amended, as amended, as amended, prohibits discrimination on the basis of race, color or national origin in tograms or activities receiving Federal financial assistance. Employment discrimination is covered by Title II if the primary objective of the financial assistance is provision of employment, or where employment.

EMPLOYEE RIGHTS

Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employ 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. Ce other conditions must also be met. **ENFORCEMENT**

> me state laws provide greater employee protections; employers must comply with both The law requires employers to display this poster where employees can readily see it.
>
> Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
>
> Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates

directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: http://www.nlrb.gov. You can also contact the NLRB by calling toll-free: 1-866-667-NLRB (6572) or (TTY) 1-866-315-NLRB (1-866-315-6572) for hearing

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the

NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee

If you do not speak or understand English well, you may obtain a translation of this notice from the NLRB's Web site or by calling the toll-free numbers listed above.

*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector

employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

This is an official Government Notice and must not be defaced by anyone.

Free assistance in identifying and

www.osha.gov

(800) 767-9243 • www.fwlli.com

FAIOE091511-NS

7001 W. 43RD STREET • HOUSTON, TEXAS 77092

FOR INFORMATION OR TO REORDER AN ALL-IN-ONE® POSTER CALL

You have the right to be reemployed in your civilian job if you leave that job to perform service in

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 have not been separated from service with a disqualifying discharge or under other than

attained if you had not been absent due to military service or, in some cases, a comparable job.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA righ

ncluding testifying or making a statement in connection with a proceeding under USERRA, even if that

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

have applied for membership in the uniformed service; or

are obligated to serve in the uniformed service:

any benefit of employment because of this status.

you return to work or apply for reemployment in a timely manner after conclusion of service:





National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the begining of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces)

grade, rank, or rating; and

SERIOUS INJURY OR ILLNESS

duty and was aggravated by service in line of duty on active duty in the Armed Forces) are that may render the member medically unfit to perform the duties of the member's office

In the case of a veteran who was a member of the Armed Forces (including a member of the

Employees must provide 30 days advance notice of the need to take FMLA leave whe the need is foreseeable. When 30 days notice is not possible, the employee must provid

notice as soon as practicable and generally must comply with an employer's normal call-in

be required to provide a certification and periodic recertification supporting the need for leave

under FMLA. If they are, the notice must specify any additional information req as well as the employees' rights and responsibilities. If they are not eligible, the employe

Covered employers must inform employees if leave will be designated as FMLA-protected an

the amount of leave counted against the employee's leave entitlement. If the employ

FMLA makes it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of any right provided under FMLA;

Discharge or discriminate against any person for opposing any practice made unlaby FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring

State or local law or collective bargaining agreement which provides greater family

red employers must inform employees requesting leave whether they are eligibl

and that manifested itself before or after the member became a veteran. An employee does not need to use this leave entitlement in one block. Leave can be taker intermittently or on a reduced leave schedule when medically necessary. Employees must exigencies may include attending certain military events, arranging for alternative childcare, which is a reasonable efforts to schedule leave for planned medical treatment so as not to undule. An employee does not need to use this leave entitlement in one block. Leave can be taken

FMLA also includes a special leave entitlement that permits eligible employees to take up Substitution of Paid Leave for Unpaid Leave Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, so therwise in outpatient status, or is otherwise on the temporary disability retired list, for serious injury or illness; or a veteran who is undergoing medical treatment, recuperation,

During FMLA leave, the employer must maintain the employee's health coverage under any Employees must "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or

involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in of incapacity of more that 3 consecutive calendar days combined with at least two visits to

Equal Employment Opportunity is

in family members (family medical history); and requests for or receipt of genetic services by applications employees, or their family members. RETALIATION

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES

BERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits to discrimination and requires affirmative action to employ and advance in employment disabled veterans,

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION FEDERAL MINIMUM WAGE

up to \$11,000 for each employee who is the subject of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any

