

PUERTO RICO

Package Contents:

- PR Discrimination
- PR Employment Laws
- PR Knowledge of Safety
- PR OSHA
- Pay Day Notice
- Emergency Phone Numbers
- Federal Employee Polygraph Protection Act
- Federal Equal Employment Opportunity
- Federal Family Medical Leave Act
- Federal Fair Labor Standards Act
- Federal Occupational Safety and Health Association
- Federal USERRA

Package Instructions:

1. Depending on the file size, print the relevant PDF files in either 8 ½ x 11 or 8 ½ x 14 sheets of paper in either landscape or portrait format, and unless otherwise specified use the color white.
2. The Federal OSHA poster must be printed in an 8 ½ x 14 sheet of paper to be in compliance.
3. Post the printed sheets in an area frequented by employees (i.e. lunch rooms, HR offices, employee lounges).



ALL IN ONE POSTER COMPANY, INC.

8521 Whitaker St., Buena Park, CA 90621

P: 1.800.273.0307 F: 1.714.521.7728

www.allinoneposters.com

sales@allinoneposters.com



Commonwealth of Puerto Rico

Department of Labor and Human Resources

DISCRIMINATION DUE TO RACE, COLOR, GENDER, AGE, NATIONALITY, SOCIAL CONDITION, MARRIAGE, POLITICAL AND RELIGIOUS IDEAS

Law No. 100 of June 30, 1959, as amended, 29 L.P.R.A. Sec. 146 et seq., protects employees and employment candidates against acts of discrimination on the part of employers, labor organizations or workers-employer committees that control apprenticeship and capacitation programs. It prohibits discrimination due to age, race, color, gender, social or national background, social condition, marriage status, political or religious ideas; firing, suspending or discriminating against an employee in relation to salary or compensation, terms, categories, conditions or work privileges, or not employing, refusing to employ or re-employ someone, limiting or classifying employees in any way with the possibility of depriving any person of employment opportunities or affecting his or her employee status; to publish, distribute or allowing to be distributed notifications or any other form of communication, denying employment opportunities, directly or indirectly, limiting or excluding a person from being admitted as an employee under any apprenticeship or capacitation program.

GENDER DISCRIMINATION

The intent of Law No. 69, 29 L.P.R.A. Sec. 1321 et seq. of July 6, 1985, is to guarantee equal employment rights, to men as well as women, prohibiting acts of discrimination, placing liabilities and imposing penalties to private and public employers, workers unions, workers-employer committees or employment agencies.

The definition of: "for reason of gender" includes, but it is not limited to pregnancy, delivery or related medical conditions; the women affected by these conditions must receive equal treatment for all work related purposes.

PREGNANCY

The Antidiscrimination Unit also administers, among others, Law No. 3 of March 13, 1942, as amended, 29 L.P.R.A. Sec. 467 et seq. In general terms this law states the following:

- Pregnant female workers are entitled to a pregnancy leave which includes four (4) weeks before delivery and four (4) weeks post delivery, with full salary. The employee must provide a medical certificate confirming the pregnancy.
- The employee may choose to take leave one week before delivery and seven (7) weeks after, or she may opt to return to work after two weeks of postnatal leave of absence. For either of these options she has to secure medical evidence that she is in condition to return to work.
- Abortions and premature deliveries are covered under this law.
- An employer may not fire, without just cause, a pregnant woman. A decreased work output may not be used as a reason for firing.
- Any employer who fires, suspends, reduces the salary or discriminates in any way against a female worker due to lower work output or if the employer refuses to reinstate her after delivery, incurs in a civil liability for double the damages caused or between \$2,000 and \$5,000. The employee, furthermore, has the right to be reinstated in her position.
- An employer who violates the provisions of this law incurs in aggravated misdemeanor.
- The law extends the benefits of this leave when one adopts a minor under five years of age not yet registered in school.

SEXUAL HARASSMENT

Law No. 17 of April 22, 1988, 29 L.P.R.A. Sec. 155 et seq. was created with the specific purpose of protecting employees and employment candidates against sexual harassment in the workplace and the provisions of this law apply to private as well as government employers.

Sexual harassment in the workplace consists of any kind of sexual approach, solicitation of sexual favors and any other verbal or physical conduct of a sexual nature, under one or more of the following circumstances:

- When submitting to said conduct becomes and implicit or explicit condition of employment.
- When submitting or refusing to such conduct on the part of the person is part of the basis for decision making in the employment or regarding the employment which affects the person.
- When the behavior has the effect or purpose of interfering unreasonably with the performance of a person's work or when it creates a hostile, intimidating or offensive work atmosphere.
- The employer must keep the work place free of sexual harassment and intimidation. The employer should:
 - Express clearly to supervisors and employees that there is a strong policy against sexual harassment in the workplace.
 - To implement any method necessary to create conscience of this issue and establish the prohibition of sexual harassment at work.
 - To provide enough information to employment candidates about the rights and protection the law provides against sexual harassment.
 - To establish an appropriate and effective internal process to take care of complaints about sexual harassment. When the employer's attention is brought to any sexual harassment situation an investigation must be initiated immediately.

If you believe you are being discriminated against, do not overlook the sexual harassment that you may also be subject to. You must take notes of the incidents of sexual harassment for your personal use. These notes must include the names of witnesses, date and place in which the acts of harassment took place.

Discuss the harassment situation with your supervisor. If the supervisor is the perpetrator, explain your situation to another person of authority in the company. When you bring to the attention of the employer a harassment complaint, it is the responsibility of the employer to take the necessary action to correct the problem.

INCAPACITATED PERSONS

Law 44 of July 2, 1985.

Law No. 44 of July 2, 1985, as amended by Law No. 53 of August 30, 1992, 1 L.P.R.A. Sec. 502 et seq. authorizes the Secretary of Labor to oversee the compliance to this law concerning employment. It prohibits discrimination against persons with physical, mental or sensorial handicaps in institutions receiving or not funds from the Commonwealth of Puerto Rico, in activities such as recruitment, promotions, suspensions, or firings; in salary, training, benefits and other aspects of employment.

DISCRIMINATION IS ILLEGAL



DISCRIMINATION IS ILLEGAL

GENERAL RULE OF THE ANTIDISCRIMINATION UNIT

The general rule of the Antidiscrimination Unit, No. 6236 of November 21, 2000, establishes:

COMPLAINTS

- Any person who understands or has personal knowledge that one or more workers, or one or more candidates for employment have been discriminated against for employment, according to Law No. 100, Law No. 69, Law No. 17, Law No. 3 and Law No. 44, can file a complaint with the Antidiscrimination Unit within one year from the time in which the discriminatory act was committed or known about.
- Complaints may be presented in person or by mail.
- The complaint may not be withdrawn by the complainant without the previous authorization in writing of the Secretary of Labor and Human Resources or an official representative.
- Once the complaint is filed the defendant is notified. An invitation is made to solve the conflict through alternative means such as mediation.
- If the parties cannot reach a satisfactory agreement during the process the investigation will continue. Usually all the parties attend a conference to review the evidence.
- The official in charge of the investigation will act on behalf of and representing the Secretary of Labor and Human Resources, with all the faculties conferred to the Secretary under Law No. 100. It is mandatory under contempt of court that any witnesses must appear and to present any information requested by the investigator within a reasonable period of time not to exceed fifteen (15) days after the request has been made.
- If it is determined that the complaint is without merit, a Notice of Determination of Lack of Probable Cause of Discrimination will be issued and all the parties will be served. The complainant will be notified of his/her right to request a reconsideration from the Secretary of Labor and Human Resources regarding said determination.
- If it is determined that the defendant has incurred or is incurring in one or several discriminatory violations, a Notice of Determination of Probable Cause will be issued and the Antidiscrimination Unit will begin its conciliation efforts. If an agreement is not reached the Unit shall consider the case for litigation in the Puerto Rico courts on behalf of the complainant.

PREVENTIVE ACTION:

By virtue of the duties conferred to the Secretary of Labor and Human Resources by law or to the Director of the Antidiscrimination Unit, they shall discourage employment discrimination through preventive action plans and could order "motu proprio" investigations without representing a complaint according to the provisions of Law No. 100, supra.

RECORDS:

All employers, labor organizations or workers-employer committees must keep appropriate records pertaining to their recruitment practices, apprenticeship programs, promotion plans or any other employment practice. These records and information must be accessible to officials of the Department for their evaluation. For this purpose they must be kept for a period of at least two years.

1As an agency of the Equal Employment Opportunity Commission, the Antidiscrimination Unit receives claims under other federal laws which prohibit discrimination at the workplace and establishes shorter jurisdictional terms to file a complaint.

UAD

Commonwealth of Puerto Rico
Department of Labor and Human Resources
Antidiscrimination Unit

Edificio Metro Center, 9th Floor, Mayaguez, corner of Cidra, Hato Rey, Puerto Rico

Tel. (787) 754-2108, 5293 TDD: (787) 756-5787 Fax: (787) 763-3000

Edificio Villa del Capitan II, 3rd Floor, Carr. #2, km. 159.2

Mayaguez, Puerto Rico 00681 Tel. (787) 833-4110

60 Ave. Santiago de los Caballeros, Calle Puerto Viejo, Playa, Ponce, PR 00716

Tel. (787) 284-2028

www.dtrh.gobierno.pr

e-mail: unidadantidiscrimen@microjuris.com

EMPLOYMENT LAWS IN PUERTO RICO

Definition of employee. Not specified.

Definition of employer. All private employers and those agencies or instrumentalities of the government of Puerto Rico that operate as private businesses or enterprises.

Prohibited employment discrimination. Puerto Rico prohibits discrimination on the basis of age, race, color, sex, disability, origin or social position, political affiliations, and religious beliefs.

Veterans. Employers are required to give preference to a veteran, under equal academic and technical conditions or experience, when filling any position, employment or employment opportunity.

Minors under 18. A minor under the age of 18 is protected from employment discrimination based on his or her criminal history. A minor's criminal file is considered confidential, and the lack of access to a minor applicant's history can not be the sole grounds for employment denial.

Recordkeeping requirements. Employers must keep and maintain records for relevant time periods to determine if unlawful discriminatory practices have been or are being committed and must render reports as required by regulation.

Apprenticeships and training programs. Employers, labor unions or joint management-labor committees controlling apprenticeship and/or training programs keep and maintain the records that may be necessary for the implementation of Puerto Rico's Fair Employment Practices Act, including, but not limited to, a list of applicants or candidates for employment who wish to participate in those programs, the chronological order in which the applications were received. Upon request, a detailed description of the manner in which the persons are chosen to participate in the apprenticeship and/or training programs must be furnished to the Secretary of Labor and Human Resources

Posting requirements. Employers must post notices setting forth the requirements for complying with Puerto Rico's Fair Employment Practices Act and other relevant information as determined by the Secretary of Labor and Human Resources.

KNOWLEDGE OF SAFETY

Policy: It is our policy to provide a safe and healthful workplace. We have implemented a program of accident and illness prevention with the purpose of protecting you and your coworkers.

Objective: Our main objective is to prevent accidents and illnesses in the workplace. It is expected that employees and administrative personnel comply with the state, federal and local government requirements to keep a safe environment.

Communication: We are committed to provide a safe working environment and we encourage you to make suggestions in order to keep our policy of accident prevention. If, at any time, you have a question, please contact the following persons in charge of safety in this company:

Safety Director: _____

Telephone: _____

Safety Supervisor: _____

Telephone: _____

SAFETY MEETINGS

All employees will meet regularly to receive training and information about safety policies and procedures of the company. The meetings are mandatory and will be conducted as follows:

Time: _____

Place: _____

Commonwealth of Puerto Rico

Department of Labor and Human Resources



WHAT DOES THE LAW STATE?

On August 5, 1975, the Legislative Assembly approved Law 16 to guarantee insofar as possible, safe and healthy working conditions for every employee in the Commonwealth of Puerto Rico in order to preserve our human resources.

THE EMPLOYER

An employer must provide a workplace free of recognized dangers that are causing or could cause death or physical damage to the employees. An employer must also comply with the safety and health rules adopted under this law.

THE EMPLOYEE

An employee must comply with all the occupational health and safety rules, and furthermore, with all the orders, rules and regulations established under this law which apply to his or her own acts and behavior at work.

OUTREACH

This law applies to all work performed in the Commonwealth of Puerto Rico, except employers of the maritime industry, the United States Postal Service (USPS) and all federal agencies.

INSPECTION

The law requires that an employer representative as well as a representative authorized by the employees have the opportunity to accompany the Compliance Officer with the purpose of aiding during an inspection. When there is no representative authorized by the employees, the Compliance Officer must consult with a reasonable number of employees about health and safety conditions in the workplace.

COMPLAINTS

If the employees or their representatives believe that there are unsafe or unhealthful conditions in the workplace they may request an inspection by filing a complaint in a field office of the Puerto Rico Occupational Safety and Health Office (OSHO) of the Department of Labor and Human Resources nearest your place of work. The name of the complainant need not be revealed to the employer unless authorized by the complainant.

COMPLAINTS DUE TO DISCRIMINATION

The law states that no employee may be fired or discriminated against for exercising his or her rights under this law. Any employee who believes he or she has been a victim of discrimination under this law or under the Occupational Safety and Health Act of 1970, may file a complaint with OSHO or with the Occupational and Safety Health Administration (OSHA), respectively, by writing to one of the following locations:

COMPLAINTS AGAINST THE STATE PROGRAM ADMINISTRATION

OSHA is in charge of overseeing the state program. Any person may file complaints against its administration or operation by calling or writing to the agency mentioned above. (See the address of the Federal Agency).

CITATIONS

If, after an inspection or investigation, OSHO finds that an employers has not been in compliance with the law, it will issue a citation to the employer within a reasonable time, listing the alleged violations. Each citation must establish a period of time in which to make the corrections to the alleged violations. The citations must be posted prominently in or near the place where the alleged violations have occurred in order to warn the employees of the dangers that may exist there.

PENALTIES

The law sets mandatory fines of up to \$7,000 for each serious violation and optional penalties of up to \$7,000 for each violation classified as serious. Furthermore, it may impose fines not to exceed \$7,000 for each day within the period of time given in which corrections to the violations are not made. Any employer who intentionally or repeatedly fails to comply with the law could be fined for an amount up to \$7,000 for each violation. The law also imposes penalties to any employer who intentionally violates the law resulting in the death of an employee. Once convicted, he or she will be punished with a maximum fine of \$10,000, or prison term of three years maximum, or both. A recidivist employer will pay double the fine or be punished with a prison term not to exceed four and a half years, or both.

VOLUNTARY ACTIVITY

The law encourages employers and employees to work together to reduce occupational health and safety risks. It further encourages employers as well as employees to establish new programs and to perfect the existing ones to provide safe and healthful work conditions.

ADDITIONAL INFORMATION

For help and additional information, including copies of the law, state occupational safety and health regulations and other rules that apply, contact the nearest OSHO office. These are located in Arecibo, Caguas, Carolina, Mayaguez, Ponce and San Juan. The telephone numbers for these offices can be found in the corresponding telephone directory.

State Jurisdiction

Department of Labor and Human Resources
Occupational Safety and Health Office
Edificio Prudencio Rivera Martínez
Avenida Muñoz Rivera #505, 20th Floor
Hato Rey, PR 00918
Tel.: (787) 754-2172 Fax: (787) 767-6051

Federal Jurisdiction

Department of Labor of the United States
Occupational Safety and Health Administration
Puerto Rico Area Office
Edif. Triple S Plaza, Suite 5B
1510 F.D.Roosevelt Ave. Guayrabo, PR 00968
Tel.: (787) 277-1560 Fax: (787) 277-1567

PAY DAY NOTICE

Regular Pay Days for Employees of _____
(Firm Name)

shall be as follows:

_____ Weekly _____ Bi-Weekly _____ Semi Monthly _____ Monthly

Pay Checks will be distributed at

(Place of Distribution)

This is in accordance with Puerto Rico State Law

By _____ Title _____

EMERGENCY PHONE NUMBERS

For

(Please Give Exact address of This Worksite Location)

Physicians: _____

Hospitals: _____

Ambulances: 911 or _____

Fire Department 911 or: _____

Police: 911 or _____

PLEASE POST IN A CONSPICUOUS LOCATION

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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 discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The 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.

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 up to \$10,000 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.



For additional information:

1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

Scan your QR phone reader to learn more about the Employee Polygraph Protection Act.

U.S. Department of Labor | Wage and Hour Division

WHD 1462
Rev. Jan 2012

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and 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 the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

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

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

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 members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

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 OCCURRED

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 TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

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

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

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

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

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

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

RETALIATION

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

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

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

Programs or Activities Receiving Federal Financial Assistance

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.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "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.

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

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

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

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that 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 school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to 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.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

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 employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave 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 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 be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



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

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 · Revised February 2013

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$7.25

 PER HOUR

BEGINNING JULY 24, 2009

OVERTIME PAY At least 1½ times your 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 under the following conditions:

No more than

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, 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 rules apply in agricultural employment.

TIP CREDIT 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 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. Certain other conditions must also be met.

ENFORCEMENT 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 law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and 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 proceeding under the Act.

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 and the Commonwealth of the Northern Mariana Islands.
- Some 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 issued by the Department of Labor.

For additional information:



1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



U.S. Department of Labor



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.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. 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.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- 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.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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



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 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 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;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of 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 service-connected 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 <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 may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. 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

U.S. Department of Justice Office of Special Counsel

1-800-336-4590

Publication Date—October 2008