

# WISCONSIN

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## Package Instructions:

1. Print the following PDF files in 8.5 x11 sheets of paper, 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 a place frequented by employees (i.e. lunch rooms, HR offices, employee lounges).
4. You may also distribute electronic copies of the Labor Law Notices to all relevant workstations in your facility.



**ALL IN ONE POSTER COMPANY, INC.**

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# Employee Rights under Wisconsin's Business Closing/Mass Layoff Notification Law

Under Wisconsin law, employees have certain rights and employers have certain obligations to give proper notice to their employees and others before taking certain actions.

## What is a "business closing" or "mass layoff?"

A "business closing" requires notice if there is a permanent or temporary shutdown of an employment site or of one or more facilities or operating units at an employment site or within a single municipality that affects 25 or more employees (not including "new" or "low-hour" employees).

A "mass layoff" requires notice if there is a reduction in the workforce that is not a "business closing" and which affects the following number of employees (excluding new or low hour employees) at an employment site or within a single municipality:

1. At least 25% of the employer's workforce or 25 employees, whichever is greater or
2. At least 500 employees.

Employees are counted if their employment is terminated (not including discharges for cause, voluntary departures, or retirements), if they are laid off for more than 6 months, or if their hours are reduced more than 50 percent during each month of any 6-month period, as the result of a business closing or mass layoff. New or low-hour employees - who have been employed for fewer than 6 of the 12 months preceding the date on which a notice is required or who average fewer than 20 hours of work per week - are **not** counted.

## Who must provide notice and when?

With certain exceptions, businesses employing 50 or more persons in the State of Wisconsin must provide written notice 60 days before implementing a "business closing" or "mass layoff" in this state. The federal or state government (and their political subdivisions), charitable or tax exempt institutions and organizations, and independent contractors are not covered under this law and do not have to provide notice. Additional exceptions exist in various situations involving strikes or lockouts, sales, relocations, temporary or seasonal employment, unforeseeable circumstances, natural or man-made disasters, temporary cessation in operations, or businesses in financial trouble.

## What employees are entitled to receive notice?

Employees are entitled to receive notice if they are counted as part of "business closing" or "mass layoff." New or low-hour employees may also be entitled to receive notice in situations where there is a "business closing" or "mass layoff."

## What can employees recover if notice is required and not given?

If an employer implements a "business closing" or "mass layoff" without providing required notice, an affected employee may recover back pay and benefits for each day that required notice was not provided (up to a maximum of 60 days). An affected employee may also recover attorney fees and costs in a lawsuit.

**If you have questions regarding this law or wish to file a complaint, call or write us at:**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE ROOM A100  
PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860

819 N 6th ST  
ROOM 723  
MILWAUKEE WI 53203

Telephone: (414) 227-4384

**Website: <https://dwd.wisconsin.gov/er/>**

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

# Wisconsin Minimum Wage Rates

## Effective July 24, 2009 (Wis. Stat. ch. 104)

### General Minimum Wage Rates

**Non-Opportunity Employees:**

**\$7.25 per Hour**

**Opportunity Employees:**

**\$5.90 per Hour**

### Minimum Wage Rates for Tipped Employees

**Non-Opportunity Employees:**

**\$2.33 per Hour**

**Opportunity Employees:**

**\$2.13 per Hour**

**Note:** "Opportunity employee" means an employee who is not yet 20 years old and who has been in employment status with a particular employer for 90 or fewer consecutive calendar days from the date of initial employment.

### Minimum Wage Rates for All Agricultural Employees

**Adults**                      **\$7.25 per Hour**

**Minors**                      **\$7.25 per Hour**

### Minimum Rates for Caddies

**9 Holes**      **\$5.90**                      **18 Holes**      **\$10.50**

**For more information contact:**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE, ROOM A100  
MADISON WI 53703

819 N 6TH ST ROOM 723  
MILWAUKEE WI 53203

PO BOX 8928  
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# Wisconsin Maximum Allowances for Board and Lodging

Effective July 24, 2009

## Non-Agricultural Employment

	Non-Opportunity Employees	Opportunity Employees
Meals	\$87.00 Per Week \$4.15 Per Meal	\$70.80 Per Week \$3.35 Per Meal
Lodging	\$58.00 Per Week \$8.30 Per Day	\$47.20 Per Week \$6.75 Per Day

## Agricultural Employment

### All Employees

Meals	\$87.00 Per Week \$4.15 Per Meal
Lodging	\$58.00 Per Week \$8.30 Per Day

## Camp Counselor Employment

### Weekly Salary for All Employees [Adults and Minors]

	Board & Lodging	Board Only	No Board or Lodging
Salary Rates	\$210.00	\$265.00	\$350.00

When board or lodging provided by an employer is accepted and received by an employee, the employer is permitted to deduct up to the above amounts from the worker's paycheck. The amounts deducted are used to determine if the employee is receiving the required minimum wage rates.

# Hours and Times of Day Minors May Work in Wisconsin

State and federal laws do not limit the hours that minors 16 years of age or over may work, except that they may not be employed or permitted to work during hours of required school attendance under Wis. Stat. § 118.15.

State and federal laws also permit minors under 16 to work up to seven days per week in the delivery of newspapers and agriculture. In most other types of labor, minors under 16 may only work six days a week.

Most employers must obtain work permits for minors under 16 before permitting them to work. For further information, see the Wisconsin Employment of Minors Guide (ERD-4758-P).

Maximum Hours of Work for 14 & 15 year-old minors	After Labor Day through May 31	June 1 through Labor Day
<b><u>Daily Hours</u></b>		
<b>Non-School Days</b>	8 hours	8 hours
<b>School Days</b>	3 hours	3 hours
<b><u>Weekly Hours</u></b>		
<b>Non-School Weeks</b>	40 hours	40 hours
<b>School Weeks</b>	18 hours	18 hours
<b>Permitted Time of Day</b>	7am-7pm	7am-9pm

**Employers** subject to both federal and state laws must comply with the more stringent section of the two laws.

**State** child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs operated by the school.

**Minors under 16 years of age** are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the same day or week.

**Minors under 14 years of age** are allowed to work in certain occupations (e.g., street trades, agriculture, and work in school lunch programs. See the Wisconsin Employment of Minors Guide, ERD-4758-P, for more detail). These minors are subject to the same hourly and time of day restrictions as minors who are 14 or 15 years of age.

**Minors under 18 years of age** may not work more than 6 consecutive hours without having a 30-minute, duty free meal period.

**Minors 16 & 17 years of age** who are employed after 11:00 pm must have 8 hours of rest between the end of one shift and the start of the next shift.

**Minimum Wage** for minors is \$7.25 per hour. Employers may pay an "Opportunity Wage" of \$5.90 per hour for the first 90 days of employment. On the 91<sup>st</sup> day, the wage must increase to \$7.25 per hour.

**For further information** about the federal child labor laws call (608) 441-5221, or write to U.S. Department of Labor, Wage & Hour, 740 Regent Street, Suite 102, Madison, WI 53715.

**For further information** about the state child labor laws, call the Equal Rights Division in Madison (608) 266-6860 or Milwaukee (414) 227-4384.

## DEPARTMENT OF WORKFORCE DEVELOPMENT - EQUAL RIGHTS DIVISION

PO BOX 8928 MADISON WI 53708

Telephone: (608) 266-6860

Website: <https://dwd.wisconsin.gov/er/>

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information. Please contact the Equal Rights Division at (608) 266-6861 to request information in an alternate format, including translated to another language.

# Employee Protections Against Use of Honesty Testing Devices (Wis. Stat. § 111.37)

Employers who use honesty testing must display this poster in one or more conspicuous places where notices to employees are customarily posted.

Under Wisconsin law, requiring or requesting that an employee or applicant take an honesty test (lie detector) is unlawful or heavily regulated. Further, employers may not discriminate against a person who refuses to take a test or objects to its use.

## Exceptions

An employer **may request** that an employee take a test in connection with an investigation involving economic loss or injury to a business if the employee is a reasonable suspect.

Honesty tests **can be used** by law enforcement agencies and certain businesses engaged in providing security services, alarm systems, and who manufacture, distribute or sell controlled substances.

## Employee & Applicant Rights

Any legally permitted honesty test is subject to strict safeguards, including an examinee's right to proper notice, the right to discontinue a test at any time and the right to advance written notice of the questions to be asked.

## Enforcement

Victims of unlawful honesty testing may file a complaint within **300 days** after the date the unfair honesty testing occurred, at one of the offices below.

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

**STREET ADDRESS:**

201 E WASHINGTON AVE ROOM A100  
MADISON WI 53703

819 N 6th ST ROOM 723  
MILWAUKEE WI 53203

**MAILING ADDRESS:**

PO BOX 8928  
MADISON, WI 53708-8928

Telephone: (608) 266-6860

Telephone: (414) 227-4384

**Website: <https://dwd.wisconsin.gov/er/>**

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# Wisconsin Fair Employment Law

Section 111.31-111.395 Wisconsin Statutes and DWD 218 Wisconsin Administrative Code requires that all employers prominently display this Poster in all places of employment.

It is unlawful to discriminate against employees and job applicants because of their:

- Sex
- Color
- Ancestry
- Disability
- Marital Status
- Race
- Creed (Religion)
- Age (40 or Over)
- Declining to Attend a Meeting or Participate in any Communication About Religious or Political Matters
- Use of Lawful Products
- Arrest or Conviction
- Honesty Testing
- National Origin
- Pregnancy or Childbirth
- Sexual Orientation
- Genetic Testing
- Military Service

This law applies to employers, employment agencies, labor unions and licensing agencies.

Employers may not require certain types of honesty testing or genetic testing as a condition of employment, nor discipline an employee because of the results.

Employees may not be harassed in the workplace based on their protected status nor retaliated against for filing a complaint, for assisting with a complaint, or for opposing discrimination in the workplace.

There is a 300-day time limit for filing a discrimination complaint.

**For more information or a copy of the law and the administrative rules contact:**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE ROOM A100  
PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860

819 N 6TH ST  
ROOM 723  
MILWAUKEE WI 53203

Telephone: (414) 227-4384

**Website: <https://dwd.wisconsin.gov/er/>**

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# Wisconsin Family and Medical Leave Act

**Section 103.10, Wisconsin Statutes, requires that all employers with 50 or more employees display a copy of this poster in the workplace.** Employers with 25 or more employees are required to post their particular leave policy

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- **Up to six (6) weeks leave in a calendar year for the birth or adoption of the employee's child, providing the leave begins within sixteen (16) weeks of the birth or placement of that child.**
- **Up to two (2) weeks of leave in a calendar year for the care of a child, spouse, domestic partner, as defined in § 40.02(21c) or 770.01(1) or parent or a parent of a domestic partner with a serious health condition.**
- **Up to two (2) weeks leave in a calendar year for the employee's own serious health condition.**

This law only applies to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Family and Medical Leave. Employers may have leave policies, which are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law **must be filed within 30 days** after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

**For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE ROOM A100  
PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860

819 N 6th ST  
ROOM 723  
MILWAUKEE WI 53203

Telephone: (414) 227-4384

**Website: <https://dwd.wisconsin.gov/er/>**

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# NOTICE TO WISCONSIN WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGE

## Wisconsin Minimum Wage, Hours of Work and Overtime Laws

Generally, employees are covered by Wisconsin's minimum wage and overtime law provisions. The law requires payment of not less than the minimum wage for all hours worked, and payment of time and one-half an employee's regular rate of pay for all hours worked over forty in a work week. There may be other requirements. **Child labor law provisions apply to employees under 18 years of age.**

## Special Minimum Wages under DWD 279

Workers whose disabilities impair their ability to perform their work may be employed under a special minimum wage license issued by the Department of Workforce Development. This establishment has such a license. The rates must reflect the productivity of the worker compared to the productivity of a worker not disabled for similar work, and to the wages paid to experienced workers performing the same or similar work in the vicinity.

To be able to pay less than the standard applicable minimum wage, this facility must also have a certificate under Section 14(c) of the Fair Labor Standards Act (FLSA), issued by the US Department of Labor.

**Effective July 22, 2016**, the FLSA prevents this establishment from employing persons 24 years of age or younger at a special minimum wage unless certain conditions are met. The Division of Vocational Rehabilitation (DVR) will provide documentation that these conditions have been met. DVR will also provide career counseling and information and referral services designed to promote opportunities for competitive, integrated employment, regardless of age, to individuals who are known to be employed at special minimum wages every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment.

## Worker Notification

The employer shall inform orally and in writing, each worker with a disability, and parent and/or guardian if appropriate, of the terms of the special minimum wage license under which the worker is employed.

## Review Process, Complaints, or Questions

A request for reconsideration or review under this law must be filed within 60 days after learning of the action. **To file such a request, make a complaint, for answers to questions about the law, or for a complete copy of the law, contact:**

### STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION

201 E WASHINGTON AVE ROOM A100  
MADISON WI 53708

819 N 6th ST ROOM 723  
MILWAUKEE WI 53203

PO BOX 8928  
MADISON WI 53708-8928  
Telephone: (608) 266-6860

Telephone: (414) 227-4384

**Website: <https://dwd.wisconsin.gov/er/>**

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us:

# Advance Notice Required When Employers Decide to Cease Providing a Health Care Benefit Plan

Wisconsin law (Wis. Stat. § 109.075) requires employers who plan to discontinue health care benefits to current employees, retirees, and dependents of employees or retirees in some instances to provide the affected individuals with 60 days' notice of the cessation of benefits.

**Q: Which employers must comply with this requirement?**

A: An employer who operates a business enterprise in Wisconsin that employs 50 or more persons in the state must provide written notice of its intention to cease providing health care benefits to affected parties.

**Q: Who is an affected individual entitled to this notice?**

A: Employees, any union representing employees of the business, retirees, and dependents of employees and retirees currently covered by the health care plan are entitled to receive 60 days' written notice that the benefits will cease.

**Q: Why should an affected person file a complaint about not receiving 60 days' notice of the cessation of a health care benefit plan?**

A: A person who did not receive proper notice may receive either the value of the insurance premium(s) for the period without notice or the actual value of medical expenses incurred during the non-notification period (maximum of 60 days).

**Q: If I have questions concerning this requirement or if I wish to file a complaint about not receiving notice, whom should I contact?**

A: Contact either the Equal Rights Division in Milwaukee or Madison listed below.

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

201 E WASHINGTON AVE, ROOM A100  
PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860

819 N 6th ST  
ROOM 723  
MILWAUKEE WI 53203

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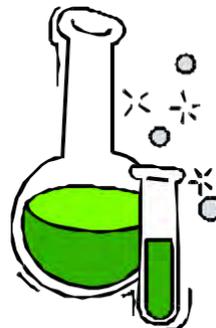
# Hazardous Chemicals in the Workplace?

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You as a public employee have the right, under the Wisconsin public employees' right-to-know law, to be informed about hazardous chemicals and substances in the workplace. \*

## EMPLOYEES MUST BE PROVIDED WITH:

- ◆ A list of all hazardous chemicals and information on toxic substances, pesticides, and infectious agents in the workplace.
- ◆ Access to Material Safety Data Sheets and container labels.
- ◆ Formal training in proper procedures for managing hazardous chemicals.
- ◆ A written chemical hazard communication program.



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For more information contact:  
Wis. Dept. of Safety and Professional Services  
Industry Services Division  
1400 E Washington Avenue  
Madison, WI 53703  
608-266-2112



\* State Statute 101.581(1)

# Public Employee Safety and Health

## Authority

Wisconsin statute section 101.055 requires the Wisconsin Department of Safety and Professional Services to adopt and enforce safety and health standards that will provide protection to public employees at least equal to that provided to private sector employees under standards promulgated by Federal Occupational Safety and Health Administration (OSHA).

## Inspection

A public employee or public employee representative who believes that a safety or health standard is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection. If the requestor so designates, the identity of the requestor will be kept confidential. If the department decides not to make an inspection, the requestor will be notified.

A representative of the employer and a public employee representative will be permitted to accompany the department inspector during the inspection. The employee shall not be discriminated against with respect to either pay received or withheld for time spent on the inspection.

## Enforcement

If the department finds a violation of state standards, abatement orders will be issued to the employer. The employer shall post a copy of the orders at or near the site of the violations for 3 days or until the violation is corrected, whichever is longer. Copies of the order will be sent to the top elected official, the bargaining unit and to the person requesting the inspection.

If the department decides not to issue orders in response to a request, a written notice of that decision shall be sent to the public employee who requested the investigation. If decisions are disputed they will be reviewed.

## Discrimination

No public employer may discriminate against or discharge any public employee for exercising any right afforded by his section. A state employee who believes he or she has been discriminated against may file a complaint with the personnel commission within 30 days of employee's receipt of knowledge of the discrimination. A public employee, other than a state employee, may file a complaint with the state Division of Equal Rights within 30 days.



For more information, contact:  
Wisconsin Department of Safety and Professional Services  
Industry Services Division  
PO Box 7302  
4822 Madison Yards Way  
Madison, WI 53707  
Phone 608-266-2112  
Web <https://dsps.wi.gov>

**PUBLIC EMPLOYERS ARE REQUIRED TO POST THIS NOTICE  
WHERE NOTICES TO EMPLOYEES ARE USUALLY POSTED**

# WISCONSIN BONE MARROW AND ORGAN DONATION LEAVE ACT

**Section 103.11, Wisconsin Statutes, requires all employers with 50 or more employees to display a copy of this poster in the workplace.** Employers with 25 or more employees are required to post their particular leave policies.

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- ▶ Up to six (6) weeks leave in a 12-month period for the purpose of serving as a bone marrow or organ donor, provided that the employee provides his or her employer with written verification that the employee is to serve as a bone marrow or organ donor and so long as the leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure.

This law applies only to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Bone Marrow or Organ Donation Leave. Employers may have leave policies, which are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law must be filed within 30 days after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

**For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:**



STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION



PO BOX 8928  
MADISON WI 53708

Telephone: (608) 266-6860

819 N 6TH ST, ROOM 723  
MILWAUKEE WI 53203

Telephone: (414) 227-4384

**Website:** <https://dwd.wisconsin.gov/er/>

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# Notice to Employees About Applying for Wisconsin Unemployment Benefits

## When To Apply

- You are totally unemployed,
- You are partially unemployed (your weekly earnings are reduced), or
- You expect to be laid off within the next 13 weeks and would like to start your benefit year early

**IMPORTANT:** Your claim begins the week you apply. To avoid any loss of benefits, apply the first week you are unemployed. Do not wait until the week is over.

### Have This Information Ready To Apply:

- A username and password for filing online
- A valid email or mobile number
- Your social security number
- Your Wisconsin driver license or identification number
- Your work history for the last 18 months:
  - Employers' business names \*\*
  - Employers' addresses (including zip code) \*\*
  - Employers' phone numbers
  - First and last dates of work with each employer
  - Reason no longer working with each employer
- Your alien registration number, document number and expiration date, if you are not a U.S. citizen
- Form DD214 (Member 4 copy), if you served in the military in the last 18 months
- Form SF-50 or SF-8, if you are a federal civilian employee
- Name and local number of your union hall, if you are a union member

**Notice to Employers:** All employers covered by Wisconsin's Unemployment Insurance law are required to prominently display this poster where employees will easily see it. If employers do not have a permanent work site regularly accessed by employees, an individual copy is to be provided to each employee. For additional copies go online at: <https://dwd.wi.gov/dwd/publications/ui/notice.htm> or call (414) 438-7705. **Please enter your UI Account business name and address in the box (at right) for employee reference.**

**Notice to Employees:** The federal Social Security Act requires that you give us your social security number. It will be used to verify your identity and determine your eligibility. If you do not provide your social security number, we cannot take your claim.

UCB-7-P (R. 09/2019)

## How To Apply

### STEPS TO APPLY ONLINE:

1. Type into the internet browser:  
**[my.unemployment.wisconsin.gov](http://my.unemployment.wisconsin.gov)**
2. Read & accept Terms and Conditions
3. Create a username and password
4. Logon to access online benefit services
5. Complete your application

### Apply Online During These Times

Sunday	9:00 AM – 5:00 PM
Monday – Friday	6:00 AM – 7:00 PM
Saturday	9:00 AM – 2:30 PM

**For help using online services or if you are truly unable to go online call (414) 435-7069 during business hours**

For more information about unemployment insurance, visit our website:

**[dwd.wisconsin.gov/ui](http://dwd.wisconsin.gov/ui)**

**STATE OF WISCONSIN**



Department of Workforce Development

### \*\* Employer Business Name & Address:

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Unemployment Insurance Division at (414) 435-7069 to request information in an alternate format, including translated to another language.

# 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 Wisconsin State Law**

By \_\_\_\_\_ Title \_\_\_\_\_

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## 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 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 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.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)





# 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?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

## 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
- Sex (including pregnancy, childbirth, and related medical 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
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

## What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

## 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)
- Hiring or promotion
- Assignment
- Pay (unequal 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
- Referral
- 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
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

## 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://publicportal.eeoc.gov/Portal/Login.aspx>

**Call** 1-800-669-4000 (toll free)  
1-800-669-6820 (TTY)  
1-844-234-5122 (ASL video phone)

**Visit** an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))

**E-Mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).



## EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

### 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

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 laws.

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 <https://www.dol.gov/agencies/ofccp/contact>.

## 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.



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 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.



# 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 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

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

**PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child’s birth each time the employee needs to express breast milk. Employers must 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. Certain narrow exemptions also apply to the pump at work requirements.
- 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.
- 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.



WAGE AND HOUR DIVISION  
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1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)



# 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 can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## 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, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave,
- 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.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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.

State employees may be subject to certain limitations in pursuit of direct lawsuits 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 cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR





# PREGNANT WORKERS FAIRNESS ACT (PWFA)

## WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide “reasonable accommodations” to a qualified worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” An undue hardship is defined as causing significant difficulty or expense.

**“Reasonable accommodations”** are changes to the work environment or the way things are usually done at work.

## WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Being able to sit or drink water
- Receiving closer parking
- Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth
- Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy



## WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))
- The ADA which prohibits employment discrimination based on disability (enforced by the EEOC)
- The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S. Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)



Learn more at [www.EEOC.gov/Pregnancy-Discrimination](http://www.EEOC.gov/Pregnancy-Discrimination).



# 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 <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



**U.S. Department of Justice**



**Office of Special Counsel**



**1-800-336-4590**

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