

EMPLOYEE RIGHTS under the Fair Labor Standards Act

FEDERAL MINIMUM WAGE **\$7.25** PER HOUR

Overtime Pay

At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a work week.

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 also must be met.

Enforcement

The Department of Labor may recover back wages, either administratively or through court action, for the employees who 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.

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

ALERT! Washington's Minimum Wage

In 1998, Washington voters approved an initiative on minimum wage. It requires Labor & Industries to recalculate the minimum wage each year based on changes in the Consumer Price Index. As a result, Washington's minimum wage differs from the federal standard. The state's requirements are generally applicable to all employees. Employers can download Washington's minimum-wage poster at: <http://www.lni.wa.gov/IPUB/700-102-909.pdf>



WHD Publication 1088 Revised July 2009

Job Safety and Health Law

It's the law!

Employers must post this notice where employees can read it.

The Washington Industrial Safety and Health Act (WISHA) protects the safety and health of employees on the job in Washington State (Chapter 49.17 RCW). Employers and employees: You should read this entire notice to understand your rights and responsibilities.

The Washington State Department of Labor & Industries (L&I), Division of Occupational Safety and Health (DOSH), administers WISHA and:

- Inspects workplaces to identify hazards and improve safety.
- Investigates complaints of unsafe workplaces.
- Provides free on-site consultations to help employers identify and fix hazards.
- Offers education and training to promote safer workplaces.

Contact us

This poster describes important parts of the law. Please contact us if you have questions about your rights or responsibilities.

Call: 1-800-423-7233

Web site: www.lni.wa.gov/Safety

Mail: Division of Occupational Safety and Health
Department of Labor & Industries
P O Box 44600
Olympia, WA 98504-4600

The U.S. Department of Labor monitors the workplace safety and health program in Washington State and other states that operate under state statute and regulations. If you have a complaint about the administration of Washington State's program, write to: Occupational Safety and Health Administration Region 10, 1111 3rd Ave., Suite 2715, Seattle, WA 98101-3212.

Employers

You have a legal obligation to protect employees on the job. Employers must provide workplaces free from recognized hazards that could cause employees serious harm or death.

Actions you must take

- Comply with all workplace safety and health rules that apply to your business.
- Post this notice to inform your employees of their rights and responsibilities.
- Provide personal protective equipment and advise employees if they have to be exposed to hazards.
- Allow an employee representative to participate in an L&I safety/health inspection, without loss of wages or benefits. The L&I inspector may talk with a number of employees.

Firing or discriminating against any employee for filing a complaint or participating in an inspection, investigation, or opening or closing conference is illegal.

Citations and penalties

L&I will issue a citation if the inspector identifies violations of workplace safety and health rules. The citation will include a date for correcting them.

You must prominently display the citation at or near the place of the violation for a minimum of three days. You cannot remove it until you correct the violation.

L&I can fine you for failing to comply with workplace safety and health requirements:

- Up to \$7,000 for each serious or general violation.
- Up to \$70,000 for willful or repeat violations.
- Up to \$7,000 per day for each violation not corrected by the due date.

The law also provides for criminal penalties under certain conditions.

Appeals

You may appeal any citation, penalty or hazard correction date.

You must allow an employee representative to attend all meetings between you and L&I if you appeal a citation.

Employees

You have a right to a safe and healthy workplace.

Your employer must protect you from hazards you encounter on the job, tell you about them and provide training.

You have the right to:

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- File a complaint with L&I within 30 days if you believe your employer fired you, or retaliated or discriminated against you, because you filed a safety complaint, participated in an inspection or other safety-related activity, or exercised any of your rights under WISHA.
- Appeal a violation correction date if you believe the time allowed on the citation is not reasonable.

The law requires you to follow workplace safety and health rules that apply to your own actions and conduct on the job.

Fatality or hospitalization

Employers: If a work-related death or probable death occurs, you must notify L&I within 8 hours. If an incident at work causes one or more of your employees to be hospitalized overnight, you must notify L&I within 8 hours. You must provide:

- Employer contact person and phone number.
- Name, address and location of the workplace.
- Date and time of the incident.
- Number of fatalities or hospitalized employees.
- Names of the employees.
- Brief description of what happened.

Other forms for persons with disabilities are available on request. Call 1-800-547-8367.

TDD users, call 360-902-5797. L&I is an equal-opportunity employer.



PUBLICATION F416-081-909 (12-2008)

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.

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 also may bring their own court actions.

Additional Information

Additional information may be obtained, and complaints of violations may be filed, at local offices of the Wage and Hour Division. To locate your nearest Wage-Hour office, telephone our toll-free information and help line at 1-866-4USWAGE (1-866-487-9243). A customer service representative is available to assist you with referral information from 8 a.m. to 5 p.m., in your time zone, or if you have access to the Internet, you may log onto our home page at www.wagehour.dol.gov.

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

* The law does not preempt any provision of any state or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210



Your Rights Under the Uniformed Services Employment and Reemployment Act (USERRA)

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Reemployment Rights

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

- you ensure that your employer receives advance written or verbal notice of your service;
- you have 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 also may 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
ESGR - 1-800-336-4590

Publication Date—July 2008

EMPLOYER RIGHTS under the Family & 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 or 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 with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation 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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary-disability retired list.

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 one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

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.



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

Equal Employment Opportunity is the Law

WHD Publication 1420
Revised January 2009

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.

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.

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.

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.

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

EEOC/P/E-1 (Revised 11/09)

Programs or Activities Receiving 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.

This poster is provided as a service to employers by:

WorkSource

LET OUR TEAM HELP YOURS.

You can find out more about WorkSource services at our web site:

www.go2worksource.com

Notice to employer: this poster is designed to fulfill six federal workplace posting requirements as of 1/10. It does not necessarily fulfill ALL workplace posting requirements. WorkSource is an equal-opportunity partnership of organizations that provide employment and training services. Auxiliary aids and services are available upon request to people with disabilities.