**Revised 12/2020** 

# LABOR LAWS

The Department has authority to recover back wages

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

of the FLSA's child labor provisions. Heightened civil

money penalties may be assessed for each child labor

when the violations are determined to be willful or

in any proceeding under the FLSA.

**ADDITIONAL INFORMATION** 

pay provisions.

repeated. The law also prohibits retaliating against or

minimum wage or overtime pay provisions of the law.

Civil money penalties may also be assessed for violations

violation that results in the death or serious injury of any

minor employee, and such assessments may be doubled

discharging workers who file a complaint or participate

Certain occupations and establishments are

exempt from the minimum wage, and/or overtime

Special provisions apply to workers in American

protections; employers must comply with both.

Some employers incorrectly classify workers as

employees under the FLSA. It is important to

know the difference between the two because

employees (unless exempt) are entitled to

Certain full-time students, student learners,

the FLSA's minimum wage and overtime pay

protections and correctly classified independent

apprentices, and workers with disabilities may be

paid less than the minimum wage under special

certificates issued by the Department of Labor.

"independent contractors" when they are actually

Samoa, the Commonwealth of the Northern

Mariana Islands, and the Commonwealth of

Some state laws provide greater employee

and an equal amount in liquidated damages in instances

#### **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. 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**

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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.

#### **NURSING MOTHERS**

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to 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.

**DEPARTMENT** OF LABOR **UNITED STATES** OF AMERICA

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

1-866-487-9243 TTY: 1-877-889-5627

contractors are not.



REV. 07/2016

www.dol.gov/whd

NC

#### **Certificate of Coverage** and Notice to Workers as to Benefit Rights

Employers covered by the Employment Security Law of North Carolina (Chapter 96 of the North Carolina General Statutes) contribute to a special fund set aside for the payment of unemployment insurance benefits. No money is withheld from workers' checks for unemployment insurance purposes.

If your work hours are substantially reduced or your job is eliminated due to lack of work you may qualify for unemployment insurance benefits. If you work less than the equivalent of (3) customary scheduled full time days, during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. An employer may file claims for employees through the use of automation in case of partial unemployment. An employer may file an attached claim for an employee only once during a benefit year, and the period of partial unemployment for which the claim is filed may not exceed six consecutive weeks. You must notify the employer of any wages earned from all sources during the payroll week. Unemployment insurance benefit payments are processed in Raleigh, North Carolina. Please be sure that your employer has your correct mailing address.

If you lose your job with this employer, you may contact the Department of Commerce, Division of Workforce Solutions (DWS) at www.nccommerce.com/workforce to assist you in securing suitable work. DWS provides a wide variety of services free of charge. If suitable work is not readily available you may file a claim for unemployment insurance benefits with the Division of Employment Security at des.nc.gov, or by phone at

By law, workers who become unemployed for other reasons or who refuse suitable work may be denied unemployment insurance benefits. If you have any questions about unemployment insurance benefits or need more

information, contact the Division of Employment Security at the address shown on the

During Labor Disputes [Section 96-14.7(b)]

An individual is disqualified for benefits if the Division determines the individual's total or partial unemployment is caused by a labor dispute at your place of employment or any location owned by the employer within the state of North Carolina. Once the labor dispute has ended, such workers shall continue to be ineligible for unemployment insurance benefits for the period of time that is reasonably necessary to resume operations in the workers' place of employment

#### **Instructions for Employers**

Post this notice on your premises in such a place that all employees may see it. Additional copies may be obtained online at des.nc.gov. You must notify affected workers of a vacation period within a reasonable period

Benefit claims for attached workers may be filed online at des.nc.gov.

For More Information, Contact: NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF EMPLOYMENT SECURITY P.O. Box 25903 RALEIGH, N.C. 27611 TELEPHONE: (919) 707-1237 des.nc.gov

**FORM 17** 

**FEDERAL** 

# N.C. WORKERS' COMPENSATION NOTICE TO INJURED WORKERS AND EMPLOYERS

All employees of this business, except specifically excluded executive officers, suffering work-related injuries may be entitled to Workers' Compensation benefits from the employer or its insurance carrier.

IF YOU HAVE A WORK-RELATED INJURY OR AN OCCUPATIONAL DISEASE

The Employee Should:

Report the injury or occupational disease to the Employer immediately.

Give written notice to the Employer within 30 days.

The insurance policy number is\_\_\_

- File a claim with the Industrial Commission on a Form 18 immediately, but no later than 2 years from injury date or occupational disease. Give a copy to the Employer.
- If medical treatment and wage loss compensation are not promptly provided, call the insurance carrier/administrator or request a hearing before the Industrial Commission using a Form 33 Request for Hearing. Commission forms are available at website www.ic.nc.gov or by calling the Help Line.

Your employer's workers' compensation insurance carrier is\_\_\_\_

Your employer's workers' compensation insurance policy is valid from

For assistance: Call the Industrial Commission HELP LINE—(800) 688-8349.

The Employer Should:

Provide all necessary medical services to the Employee.

Report the injury to the carrier/administrator and file a Form 19 Report of Injury within 5 days with the Industrial Commission, if the

Employee misses more than 1 day from work or if cumulative medical costs exceed \$4,000.00. Give a copy of your completed Form 19 to the Employee along with a copy of a blank Form 18 Notice of Accident.



NORTH CAROLINA INDUSTRIAL COMMISSION **1235 MAIL SERVICE CENTER** RALEIGH, NORTH CAROLINA 27699-1235

Website: www.ic.nc.aov

TO EMPLOYER: THIS FORM MUST BE PROMINENTLY POSTED IF YOU HAVE WORKERS' COMPENSATION INSURANCE OR QUALIFY AS SELF-INSURED. (N.C. Gen. Stat. §97-93).

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# NC

NCDOL

### Department of Labor

### N.C. Department of Labor

Minimum Wage: \$7.25 per hour (effective 7/24/09). Employers in North Carolina are required to pay the higher of the minimum wage rate established by state or federal laws. The federal minimum wage increased to \$7.25 per hour effective July 24, 2009; therefore, employers in North Carolina are required to pay their employees at least \$7.25 per hour. An employer may pay as little as \$2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if no employee's tips are reduced more than 15%. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the

employer may not be allowed the tip credit. Certain full-time students may be paid 90% of the minimum wage, rounded to the lowest nickel. **Overtime** 

Time and one-half must be paid to all employees after 40 hours of work in any one workweek with some exceptions. The state overtime provisions specifically do not apply to certain types of employees and do not apply to employees classified as exempt under the FLSA. Exemptions may be found in NCGS

#### Youth Employment Rules for all youths under 18 years old are: Youth employment certificates are required. To obtain a YEC, please

visit our website at www.labor.nc.gov **Hazardous or Detrimental Occupations:** State and federal labor laws protect youth workers by making it illegal for employers to hire them in dangerous jobs. For example, nonagricultural workers under 18 years of age may not operate a forklift; operate many types of power equipment such as meat slicers, circular saws, band saws, bakery machinery or woodworking machines; work as an electrician or electrician's helper; or work from any height above 10 feet, including the use of ladders and scaffolds. Certain exemptions apply for Supervised Practice Youth Internships. For a complete list of prohibited jobs, please visit our website at www.labor.nc.gov Additional rules for 16- and 17-year-olds are: No work between 11 p.m. and 5 a.m. when there is school the next day.

#### Exception: When the employer gets written permission from the youth's parents and principal. Additional rules for 14- and 15-year-olds are: Where

work can be performed: Retail businesses, food service establishments, service stations and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery. Youths 14 years of age cannot work on the premises of a business holding an ABC permit for the on-premises sale or consumption of alcoholic beverages, except that youths 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian if the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages. (NOTE: Unless action is taken by the N.C. General Assembly, this rule will apply to youths under 16 years of age effective Jan. 1, 2024.). Maximum hours per day: Three on school days; eight if a non-

Maximum hours per week: 18 when school is in session; 40

Hours of the day: May work only between 7 a.m. and 7 p.m. (9 p.m. from June 1 through Labor Day when school is not in

Breaks: 30-minute breaks are required after any period of five consecutive hours of work. Additional rules for youths under 14 years old are: Work is generally not permitted except when working for the youth's parents; in newspaper distribution to consumers; modeling; or acting in movie, television, radio or theater production.

#### These state youth employment provisions do not apply to farm, domestic or government work.

Wages are due on the regular payday. If requested in writing, final paychecks must be sent by trackable mail. When the amount of wages is in dispute, the employer's payment of the undisputed portion cannot restrict the right of the employee

to continue a claim for the rest of the wages. Employees must be notified in writing of paydays, pay rates, policies on vacation and sick leave, and of commission, bonus and other pay matters. Employers must notify employees in writing of any reduction in the rate of promised wages at least

one pay period prior to such change. Deductions from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

The withholding or diversion of wages owed for the employer's benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime

Deductions for cash or inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives seven days' advance notice. This seven-day rule does not apply to these deductions made at termination. An employer may not use fraud or duress to require employees to pay back protected amounts. If the employer provides vacation pay plans to employees, the employer shall give vacation time off or payment in lieu of time off, as required by company policy or practice. Employees must be notified in writing of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees not so notified are not subject to such loss or

The wage payment provisions apply to all private-sector

Labor dictates that the employee is entitled to the higher minimum wage rate.

#### **Wage and Hour Notice to Employees** payment provisions do not apply to any federal, state or local

# agency or instrumentality of government.

Wage and Hour Act The department's Wage and Hour Bureau investigates complaints and may collect back wages plus interest if they are due to the employee. The state of North Carolina may bring civil or criminal actions against the employer for violations of the law. The employee may also sue the employer for back wages. The court may award attorney's fees, costs, liquidated damages and interest. Anyone having a question about the Wage and Hour Act may

### **1-800-NC-LABOR** (1-800-625-2267)

Any worker who is defined as an employee by the N.C. Wage and Hour Act (N.C. Gen Stat. 95-25.2(4)), the N.C. Employee Fair Classification Act, the Internal Revenue Code as adopted under N.C. Employment Security laws (N.C. Gen. Stat. 96-1(b)(10)), the N.C. Workers' Compensation Act (N.C. Gen. Stat. 97-2(2)), or the N.C. Revenue Act (N.C. Gen. Stat. 105-163.1(4)) shall be treated

Any employee who believes that he or she has been misclassified as an independent contractor by his or her employer may report the suspected misclassification to the N.C. Industrial Commission's Employee Classification Section by phone, email or fax. When filing a complaint, please provide the physical location, mailing address, and if available, the telephone number and email address for the employer suspected of employee misclassification:

N.C. INDUSTRIAL COMMISSION 1233 Mail Service Center RALEIGH, NC 27699-4333 Email: emp.classification@ic.nc.gov

PHONE: 919-807-2582

Fax: 919-715-0282

**EMPLOYEE CLASSIFICATION SECTION** 

**Employment at Will** North Carolina is an employment-at-will state. The term "employment-at-will" simply means that unless there is a specific law to protect employees or an employment contract providing otherwise, then an employer can treat its employees as it sees fit and the employer can discharge an employee at

#### the will of the employer for any reason or no reason at all. Right-to-Work Laws

North Carolina is a "right-to-work" state. Right-to-work applies to collective bargaining or labor unions. The right of persons to work cannot be denied or reduced in any way because they are either members of a labor union (including labor organization or labor association) or chose not to be a member of any such labor union. An employer cannot require any person, as a condition of employment or continuation of employment, to pay any dues or other fees of any kind to a labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise. NCDOL has no enforcement authority regarding labor union laws. For employee concerns regarding labor unions, contact the Regional Office of the National Labor Relations Board. The NLRB is an independent federal agency that protects the rights of private sector employees to join together, with or without a union, to improve their wages and working conditions. Regional office contact:

**NLRB-REGION 11 OFFICE** 4035 University Parkway, Suite 200 WINSTON-SALEM, NC 27106-3325

336-631-5201

#### Retaliatory Employment Discrimination The department's Retaliatory Employment Discrimination

Bureau investigates complaints filed by employees against their employers for alleged violations of the N.C. Retaliatory Employment Discrimination Act (REDA). Under REDA, an employer may not retaliate against an employee for engaging in REDA-protected activities, such as filing a claim or initiating an inquiry, related to certain rights under the following:

Workers' Compensation Claims

Wage and Hour Complaints Occupational Safety and Health Complaints

Mine Safety and Health Complaints

**Genetic Testing Discrimination** Sickle Cell or Hemoglobin C Carriers Discrimination

N.C. National Guard Service Discrimination

Participation in the Juvenile Justice System **Exercising Rights Under Domestic Violence Laws** 

Pesticide Regulation Complaints **Drug Paraphernalia Complaints** 

Employees who believe they have been retaliated against in their employment because of activities under the above statutes, or employers who have questions about the application of REDA, may call: **1-800-NC-LABOR** (1-800-625-2267)

A REDA complaint must be filed with the bureau within 180 days of the date of retaliation.

To find out more information about this poster and to download all of the required state and

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www.labor.nc.gov

Facebook, Twitter, YouTube, Instagram, Podcast

federal posters, please visit our website at:

www.labor.nc.gov/labor-law-posters Printed 09/22

employers doing business in North Carolina. The wage

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exercising other rights under the Act.

#### **EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT**

Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor

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

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.

discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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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

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.

UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd



Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

# **OSH Notice to Employees**

## Safety and Health

**N.C.** Department of Labor Responsibilities The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSH) Division.

**Inspections**—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for

The OSH Division has the following responsibilities and powers:

**Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action.

**Penalties**—The Commissioner shall have the authority to assess penalties against any employer who violates the requirements of the OSH Act. The Commissioner shall adjust minimum and maximum civil penalties in accordance with the requirements set forth in the U.S. Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor as necessary to comply with federal law. The Commissioner shall have a period of 60 calendar days from the date a final rule is published in the Federal Register to publish the civil penalties in the North Carolina Register under 13 NCAC 07A.0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations, and

**OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least

as strict as the federal standard. A copy of any specific standard adopted by the OSH Division is available free of charge. The entire "General Industry" or "Construction Industry" standards are available for a nominal cost by calling **1-800-625-2267** or **919-707-7876**.

#### Public and private sector employers have a "general duty" to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death.

**Employer Rights and Responsibilities** 

Employers must comply with the OSHA safety and health standards adopted by the Labor Department. **Inspections**—An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection.

during the physical inspection. **Discrimination**—It is illegal to retaliate in any way against an employee for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness, or assisting an inspector. The department will investigate and may prosecute employers who take such action.

**Citations**—If an OSH inspection results in one or more

The employer has the right to accompany the inspector

citations, the employer is required to promptly and prominently display the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three working days or until the violation has been corrected or abated, whichever is longer. Contesting Penalties—Once an employer has been cited,

related to the citation. This request must be made within 15 working days after the citation is received. The employer may formally contest (by filing a "Notice of Contest") the citation(s) or proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contestments by employers and employees

concerning citations, abatement periods and penalties.

Employers wishing to know more about the procedures

for filing a "Notice of Contest" should contact the Review

he or she may request an "informal conference" with OSH

officials to discuss the penalty, abatement or other issues

Commission. Telephone: 919-733-3589. Website: www.oshrb.state.nc.us. **Injury and Illness Records**—Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of their employees. Recordkeeping forms and information concerning these requirements may be obtained from

the Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call 1-800-625-2267 or 919-707-7876. **Accident and Fatality Reporting**—An employer must report the following:

Within eight hours: Any work-related fatality.

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## Any work-related in-patient hospitalization of one or

Any work-related amputation. Any work-related loss of an eye.

To report an accident, call the OSH Division at **1-800-625-2267** or **919-779-8560.** 

**Employee Rights and Responsibilities** Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

**Complaints**—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSH inspector is in an employee's workplace, that employee has a right to point out unsafe or unhealthy conditions and to freely answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be kept confidential.

To make a complaint, call 1-800-625-2267 or 919-779-8560. Complaints also can be made online at www.labor.nc.gov. **Contesting Abatement**—Employees may contest any

abatement period set as a result of an OSH inspection at

their workplace. An employee has the right to appear before

#### the Review Commission to contest the abatement period and seek judicial review.

Other OSHA Information **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state's administration of OSHA may contact the Regional Office of the U.S. Department of

Labor, 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303. **Additional Information or Questions**—Anyone having a question about any of the above information may write or

1101 Mail Service Center RALEIGH, NC 27699-1101 Phone: 1-800-625-2267

Fax: 919-707-7964

N.C. DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION

E-MAIL: ask.osh@labor.nc.gov www.labor.nc.gov

# Commissioner of Labor

Josh Dobson

Unemployment Insurance NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 25903, Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

### and Employers (Form 17) NCDOL does not handle matters relating to workers'

**N.C.** Workers' Compensation Notice to Injured Workers

compensation. If you would like information about workers' compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Form 17 must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ic.nc.gov

This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces.

> 1-800-NC-LABOR (1-800-625-2267) www.labor.nc.gov

Printed 9/22

# Call 1-800-625-2267 or 919-707-7876 or order online.

Follow NCDOL on Facebook, Twitter, You Tube, Instagram 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

U.S. Equal Employment Opportunity Commission

**Know Your Rights: Workplace Discrimination is Illegal** 

Job applicants Union members and applicants for membership in a union **What Organizations are Covered?** 

Most private employers State and local governments (as employers) Educational institutions (as employers)

Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration

Religion National origin Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older)

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. 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 promotior Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief,

Job training

Classification 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. 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: <a href="https://publicportal.eeoc.gov/Portal/Login.aspx">https://publicportal.eeoc.gov/Portal/Login.aspx</a> 1-800-669-4000 (toll free)

1-800-669-6820 (TTY) 1–844–234–5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

Additional information about the EEOC, including information

about filing a charge of discrimination, is available at 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. 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

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 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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W.

**EMPLOYEE RIGHTS UNDER THE** 

**FAMILY AND MEDICAL LEAVE ACT** 

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

under OFCCP's authorities should contact immediately:

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

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. REV. 10/20/2022

> Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

possible and, generally, follow the employer's usual procedures.

### \*Special "hours of service" requirements apply to airline flight crew employees. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as

to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken

Employees do not have to share a medical diagnosis, but must provide enough information

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required. Employees may choose, or an employer may require, use of accrued paid leave while taking **EMPLOYER RESPONSIBILITIES** 

Once an employer becomes aware that an employee's need for leave is for a reason that

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour

may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for Employers must notify its employees if leave will be designated as FMLA leave, and if so,

Division, or may bring a private lawsuit against an employer. 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

how much leave will be designated as FMLA leave.

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd

To update your labor law posters contact

U.S. Department of Labor • Wage and Hour Division • WH1420

62852

REV. 06/2016

Go to: JJKeller.com/LLPverify **ONLINE** 65810F OCT2022 Enter this code: 62852-102022

**LEAVE ENTITLEMENTS** Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, 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 job-protected leave in a 12-month period for the following reasons The birth of a child or placement of a child for adoption or foster care; To bond with a child (leave must be taken within 1 year of the child's birth or

servicemember with a serious injury or illness.

**BENEFITS & PROTECTIONS** 

as if the employees were not on leave.

**ELIGIBILITY REQUIREMENTS** 

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

eligible for FMLA leave. The employee must:

must comply with the employer's normal paid leave policies.

To care for the employee's spouse, child, or parent who has a qualifying serious you ensure that your employer receives advance written or verbal notice of your service; health condition: you have five years or less of cumulative service in the uniformed services while with that particular For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; you return to work or apply for reemployment in a timely manner after conclusion of service; and For qualifying exigencies related to the foreign deployment of a military member you have not been separated from service with a disqualifying discharge or under other than honorable who is the employee's spouse, child, or parent.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member of the uniformed are obligated to serve in the uniformed service; have applied for membership in the uniformed

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.

then an employer may not deny you:

**HEALTH INSURANCE PROTECTION** 

initial employment;

reemployment

This poster is in compliance with federal and state posting requirements.

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT

AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave

and present members of the uniformed services, and applicants to the uniformed services.

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

retention in employment 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

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

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.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated

**1-866-4-USA-DOL** or visit its website at <a href="https://www.dol.gov/agencies/vets/">https://www.dol.gov/agencies/vets/</a>. An interactive online USERRA

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

promotion; or

any benefit of employment

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate For assistance in filing a complaint, or for any other information on USERRA, contact VETS at

 $Advisor\ can\ be\ viewed\ at\ \underline{https://webapps.dol.gov/elaws/vets/userra}.$ 

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 Employer Support of the Guard and Reserve • 1-800-336-4590

to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

**REV. 05/2022** 

**TWO** ways to verify poster compliance!

**QR CODE** Scan with phone camera:

An eligible employee who is a covered servicemember's spouse, child, parent, or next of

An employee does not need to use leave in one block. When it is medically necessary or

otherwise permitted, employees may take leave intermittently or on a reduced schedule.

FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee

While employees are on FMLA leave, employers must continue health insurance coverage

Upon return from FMLA leave, most employees must be restored to the same job or one

someone for using or trying to use FMLA leave, opposing any practice made unlawful by

An employee who works for a covered employer must meet three criteria in order to be

nearly identical to it with equivalent pay, benefits, and other employment terms and

An employer may not interfere with an individual's FMLA rights or retaliate against

the FMLA, or being involved in any proceeding under or related to the FMLA.

Have worked for the employer for at least 12 months;

kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the

J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

FED-NC-ENG

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