

FEDERAL EMPLOYMENT POSTERS PART 1 OF 3

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

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

DISABILITY

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

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

SEX (WAGES)

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

GENETICS

Title II of the Genetic Information Non-discrimination 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 request for or receipt of genetic services by

applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

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

Employers Holding Federal Contracts or Subcontracts

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

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

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

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

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

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

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

RETALIATION

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

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

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

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement EEOC-P/E-1 (Revised 11/09)

Federal Minimum Wage

\$7.25

PER HOUR BEGINNING JULY 24, 2009

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPT OF LABOR WAGE AND HOUR DIVISION

OVERTIME PAY: At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR: An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-

hazardous jobs under the following conditions:

No more than

3 hours on a school day or 18 hours in a school week;

8 hours on a non-school day or 40 hours in a non-school week

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

Tip Credit - Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

ENFORCEMENT: The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime provisions of the law and up to \$11,000 for each employee who is the subject of the violation of the Act's child labor

provision. 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 proceedings 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.

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.

WH Publication 1088 Revised July 2009



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

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

WH Publication 1088 (Revised July 2009)



EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

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

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

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

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

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

EXAMINEE RIGHTS: Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights including the right to a written notice before testing, the right to refuse or discontinue a test and the right not to have test results disclosed to unauthorized persons.

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

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



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

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

WH Publication 1088 (Revised July 2009)

FEDERAL EMPLOYMENT POSTERS PART 2 OF 3

Notice to Employees of Rights Under FMLA (WH Publication 1420) EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son 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.

Use of Leave

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

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

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

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification

supporting the need for leave.

Employer Responsibilities

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

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

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

Enforcement

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

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

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



For additional information:
1-866-4US-WAGE (1-866-487-9243)
TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
WHD Publication 1420 Revised January 2009



UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

REEMPLOYMENT RIGHTS

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

you ensure that your employer receives advance written or verbal notice of your service;

you have five years or less of cumulative service in the uniformed services while with that particular employer;

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

you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

are a past or present member of the uniformed service;

have applied for membership in the uniformed service; or

are obligated to serve in the uniformed service;

then an employer may not deny you:

initial employment;

reemployment;

retention in employment;

promotion; or

any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

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

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and

resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

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

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/USERRA_Poster.pdf. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590
Publication Date — July 2008

The Law requires employers to display this Poster where employees can readily read it. Revised 07/09

FEDERAL EMPLOYMENT POSTERS PART 3 OF 3

**IF YOU HAVE THE RIGHT TO WORK,
Don't let anyone take it away.**



If you have a legal right to work in the United States, there are laws to protect you against discrimination in the workplace.

You should know that -

No employer can deny you a job or fire you because of your national origin or citizenship status.

In most cases employers cannot require you to be a U.S. Citizen or permanent resident or refuse any legally acceptable documents.

If any of these things happened to you, you may have a valid charge of discrimination that can be filed with the OSC. Contact OSC for assistance in your own language.

Call 1-800-255-7688. TDD for hearing impaired is 1-800-237-2515.

In the Washington D.C., area, please call 202-616-5594, TDD 202-616-5525

Or write to: U.S. Department of Justice Office of Special Council -NYA 950 Pennsylvania Ave, N.W.

Washington, D.C. 20530
U.S. Department of Justice Civil Right Division

Office of Special Council for Immigration-Related Unfair Employment Practices



This Organization Participates in E-Verify



This employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.

Employers may not use E-Verify to pre-screen job applicants and may not limit or influence the choice of documents presented for use on the Form I-9.

photograph appearing on some permanent resident and employment authorization cards with the official U.S. Citizenship and Immigration Services' (USCIS) photograph.

NOTICE:

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States.

IMPORTANT: If the Government cannot confirm that you are authorized to work, this employer is required to provide you written instructions and an opportunity to contact DHS and/or the SSA before taking adverse action against you, including terminating your employment.

In order to determine whether Form I-9 documentation is valid, this employer uses E-Verify's photo matching tool to match the

If you believe that your employer has violated its responsibilities under this program or has discriminated against you during the verification process based upon your national origin or citizenship status, please call the Office of Special Council for Immigration Related Unfair Employment Practices at 800-255-7688, 800-237-2515 (TDD) or at www.justice.gov/ort/osc.

Employment Verification. Done.

For more information on E-Verify, please contact DHS at:
1-888-464-4218

The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.



**SI USTED TIENE DERECHO A TRABAJAR,
No deje que nadie se lo quite.**



Si tiene derecho a trabajar legalmente en los

Debe saber que - Ningún patrón

Si se ha encontrado en cualquiera de estas situa-

Llame al 1-800-255-7688; TDD para personas con

U.S. Department of Justice Office of Special Counsel -

existen leyes para protegerlo contra la discriminación en el trabajo.

trabajo, ni puede despedirlo, debido a su país de origen o su condición de inmigrante.

podría tener una queja válida de discriminación.

audición: 1-800-237-2515.

En Washington, DC, llame al

En la mayoría de los casos, los patrones no pueden exigir que usted sea ciudadano de los Estados Unidos o residente permanente o negarse a aceptar documentos válidos por ley.

Comuníquese con la Oficina del Consejero Especial (OSC) de Prácticas Injustas en el Empleo Relacionadas a la Condición de Inmigrante para obtener ayuda en español.

(202) 616-5594; TDD para personas con problemas de audición: (202) 616-5525. O escríbale a OSC a la siguiente dirección:

vanía Ave., N.W. Washington, DC 20530

Departamento de Justicia de los Estados Unidos, División de Derechos Civiles

Oficina del Consejero Especial



Este Empleador Participa en E-Verify



Este empleador le proporcionará a la Administración del Seguro Social (SSA), y si es necesario, al Departamento de Seguridad Nacional (DHS), información obtenida del

Los empleadores no pueden utilizar E-Verify con el propósito de realizar una preselección de aspirantes a empleo o para hacer nuevas verificaciones de los

documentación del Formulario I-9 es válida o no, este empleador utiliza la herramienta de selección fotográfica de E-Verify para comparar la fotografía que aparece en

cada empleado recién contratado con el propósito de confirmar la autorización de trabajo.

AVISO: La Ley Federal le exige a todos los empleadores que verifiquen la identidad y elegibilidad de empleo de toda persona contratada para trabajar en los Estados Unidos.

autorizaciones de empleo, con las fotografías oficiales del Servicio de Inmigración y Ciudadanía de los Estados Unidos (USCIS).

IMPORTANTE: En dado caso que el gobierno no pueda confirmar si está usted autorizado para trabajar, este empleador está obligado a proporcionarle las instrucciones por escrito y darle la oportunidad a que se ponga en contacto con la oficina del SSA y, o el DHS antes de tomar una determinación adversa en contra suya, inclusive despedirlo.

restringir o influenciar la selección de los documentos que sean presentados para ser utilizados en el Formulario I-9.

Si usted cree que su empleador ha violado sus responsabilidades bajo este programa, o ha discriminado en contra suya durante el proceso de verificación debido a su lugar de origen o condición de ciudadanía, favor ponerse en contacto con la Oficina de Asesoría Especial llamando al 1-800-255-7688

A fin de poder determinar si la

(TDD: 1-800-237-2515).

Employment Verification. Done.

Para mayor información sobre E-Verify, favor ponerse en contacto con la oficina del DHS llamando al:
1-888-464-4218

The E-Verify logo and mark are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.



SAFETY AND HEALTH PROTECTION ON THE JOB

I **INTRODUCTION:**

The intent of the Indiana Occupational Safety and Health Act of 1974, Indiana Code 22-8-1.1, is to assure, so far as possible, safe and healthful working conditions for the workers in the State.

The Indiana Department of Labor has primary responsibility for administering and enforcing the Act and the safety and health standards promulgated under its provisions.

Requirements of the Act include the following:

O **EMPLOYERS:**

Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees and free from recognized hazards that are causing or likely to cause death or serious physical harm to employees. The Act further requires that employers comply with the Occupational Safety and Health Standards, Rules, and Regulations.

O **EMPLOYEES:**

All employees shall comply with Occupational Safety and Health Standards and all rules, regulations, and orders issued under the Act, which are applicable to their own actions and conduct.

S **INSPECTION:**

The Act requires that an opportunity be provided for employees and their representatives to bring possible safety and health violations to the attention of the Department of Labor inspector in order to aid the inspection. This requirement may be fulfilled by allowing a representative of the employees and a representative of the employer to accompany the inspector during inspection. Where there is no employee representative, the inspector shall consult with a reasonable number of employees.

S **COMPLAINT:**

Employees have the right to file a complaint with the Department of Labor. There shall be an inspection where reasonable grounds exist for the Department of Labor to believe there may be a hazard. Unless permission is given by the employees complaining to release their names, they will be withheld from the employer. Telephone Number (317) 232-2693.

The Act provides that no employer shall discharge, suspend, or otherwise discriminate in terms of conditions of employment against any employees for their failure or refusal to engage in unsafe practices or for filing a complaint, testifying, or otherwise acting to exercise their rights under the Act.

H Employees who believe they have been discriminated against may file a complaint with the Department of Labor within 30 days of the alleged discrimination. Please note that extensions of the 30-day filing requirement may be granted under certain special circumstances, such as where the employer has concealed or misled the employee regarding the grounds for discharge. However, a grievance-arbitration proceeding, which is pending, would not be considered justification for an extension of the 30-day filing period. The Commissioner of Labor shall investigate said complaint and upon finding discrimination in violation of the Act, shall order the employer to provide necessary relief to the employees. This relief may include rehiring, reinstatement to the job with back pay, and restoration of seniority.

A All employees are also afforded protection from discrimination under Federal Occupational Safety and Health Act and may file a complaint with the U.S. Secretary of Labor within 30 days of the alleged discrimination.

VIOLATION NOTICE:

When an alleged violation of any provision of the Act has occurred, the Department of Labor shall promptly issue a written order to the employer, who shall be required to post it prominently at or near the place where the alleged violation occurred

until it is made safe and required safeguards are provided or 3 days, whichever is longer.

PROPOSED PENALTIES:

The Act provides for CIVIL penalties of not more than \$7,000 for each serious violation and CIVIL penalties of up to \$7,000 for each non-serious violation. Any employer who fails to correct a violation within the prescribed abatement period may be assessed a CIVIL penalty of not more than \$7,000 for each day beyond the abatement date during which such violation continues. Also, any employer who knowingly or repeatedly violates the Act may be assessed CIVIL penalties of not more than \$70,000 for each violation. A minimum penalty of \$5,000 may be imposed for each knowing violation. A violation of posting requirements can bring a penalty of up to \$7,000.

VOLUNTARY ACTIVITY:

The Act encourages efforts by labor and management, before the Department of Labor inspections, to reduce injuries and illnesses arising out of employment.

The Act encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors,

The Act provides a consultation service to assist in voluntary compliance and give recommendations for the abatement of cited violations. This service is available upon a written request from the employer to INSafe. Telephone Number (317) 232-2688.

COVERAGE:

The Act does not cover those hired for domestic service in or about a private home and those covered by a federal agency. Those exempted from the Act's coverage include employees in maritime services, who are covered by the U.S. Department of Labor, and employees in atomic energy activities who are covered by the Atomic Energy Commission.

NOTE:

Under a plan approved March 6, 1974, by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Indiana is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the OSHA Regional Office, Regional Administrator, Region V, U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone Number (312) 353-2220.

MORE INFORMATION:

INDIANA DEPARTMENT OF LABOR
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Telephone: (317) 232-2655
TT/Voice: (800) 743-3333
Fax: (317) 233-3790
Internet: <http://www.in.gov/dol>



Lori A. Torres
Commissioner of Labor



EMPLOYERS: This poster must be displayed prominently in the workplace.

STATE OF INDIANA EMPLOYMENT POSTER

INDIANA MINIMUM WAGE LAW

\$7.25 per hour
Effective July 24, 2009

Indiana Law requires this poster to be displayed in a conspicuous place in the area where employees are employed.

Most Indiana employers and employees are covered by the minimum wage and overtime provisions of the federal Fair Labor Standards Act (FLSA); however those not covered under the federal law may still be covered by the Indiana

Minimum Wage Law.

Both the federal and Indiana state minimum wage will increase from \$6.55 per hour to \$7.25 per hour, effective July 24, 2009.

Indiana Minimum Wage Law generally requires employers to pay employees at least the minimum wage for all hours worked and to pay employees 1 1/2 time their regular rate of pay (-overtime compensation) when employees work more than forty (40) hours during a work week. However, there are many exceptions to the

overtime pay requirement. Most of those exceptions can be found at Indiana Code 22-2-2-3 (a) - (p).

Indiana law requires every employer subject to the Indiana Minimum Wage Law to furnish each employee a statement of the hours worked by the employee, the wages paid to the employee, and a listing of the deductions made. The Indiana Minimum Wage Law also prohibits pay discrimination on the basis of sex.

Tipped Employees— Generally, Employers must pay tipped

employees at least \$2.13 per hour if the employer claims a tip credit. If the employee's tips combined with the hourly wage do not equal the minimum wage, the employer must make up the difference.

Training Wage — Indiana employers may pay \$4.25 per hour to employees under 20 years of age during their first 90 consecutive calendar days after the employee is initially employed by the employer.

Violations — Indiana law provides for both civil and criminal penalties for violation

of the Indiana Minimum Wage Law.

For additional information, contact the Indiana Department of Labor's Wage and Hour Division by email at wagehour@dol.in.gov or phone (317) 232-2655.

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Commissioner Lori A. Torres
402 West Washington Street,
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WEB SITE: www.in.gov/dol**

(REV 07/09)

TEEN WORK HOURS RESTRICTIONS

Employers of minors who are 14, 15, 16 or 17 years of age are required by law to post the maximum number of hours that minors may be permitted to work in each day of the week. The information must be posted in a conspicuous place or in places where notices are customarily posted. For additional copies of this poster or for further information, please visit: www.in.gov/dol/childlabor.htm

14 and 15 year olds

3 hours per school day
8 hours per non-school day
18 hours per school week
40 hours per non-school week
No work before 7:00 a.m. or after 7:00 p.m.
14 and 15 year olds may work until 9:00 p.m. from June 1 to Labor Day.

16 year olds

8 hours per day
9 hours per day*
30 hours per week
40 hours per school week*
48 hours per non-school week*
No more than 6 working days per week
No work before 6:00 a.m.
Until 10:00 p.m. on nights followed by a school day
Until 12:00 a.m. on nights not followed by a school day

17 year olds

8 hours per day
9 hours per day *
30 hours per week
40 hours per school week*
48 hours per non-school week*
No more than 6 working days per week
No work before 6:00 a.m. on school days

Until 10:00 p.m. on nights followed by a school day
Until 11:30 p.m. on nights followed by a school day * or
Until 1:00 a.m. on nights followed by a school day*
Minors may not work until 1:00 a.m. on consecutive nights and not more than two school nights per week.

* Requires written parental permission. This permission must be on file with employer at location where minor is employed.

BREAK REQUIREMENTS FOR MINORS

Workers under the age of 18, must receive one or two breaks totaling 30 minutes when scheduled to work 6 or more consecutive hours (e.g. two breaks of 15 minutes each or one 30 minute break). The employer must maintain a break

log for all workers under the age of 18.

WORKING BEFORE 6:00 A.M. OR AFTER 10:00 P.M.

Workers under the age of 18 must be accompanied by a co-worker who is at least 18 years of age when working before 6:00 a.m. or after 10:00 p.m. in an establishment that is open to the public.

WORKING DURING SCHOOL HOURS

14 and 15 year olds may not work on a school day after 7:30 a.m. and before 3:30 p.m. 16 and 17 year old may only work during school hours if the employer has written permission issued by the school that the minor attends.

GRADUATE/WITHDRAWN FROM SCHOOL

16 or 17 year olds who have

withdrawn from school or who have graduated from high school or high school equivalency are not subject to the hour restrictions listed above.

**INDIANA DEPARTMENT
OF LABOR
BUREAU OF CHILD
LABOR
402 W. Washington Street,
Room W195, Indianapolis, IN
46204
Phone: (317)232-2655
Fax: (317)234-4449
TT Voice: 1-800-743-3333**

**E-MAIL:
childlabor@dol.in.gov**

**WEB SITE:
[www.in.gov/dol/
childlabor.htm](http://www.in.gov/dol/childlabor.htm)**



Revised 7/09

WORKER'S COMPENSATION NOTICE

Your employer is required to provide for payment of benefits under the Worker's Compensation Act of the State of Indiana.

Any employee who is injured while at work should report the injury immediately to their supervisor, employer, or designated representative.

The worker's compensation insurance carrier or the administrator for:

**State of Indiana
JWF Speciality Co.,
Inc.
PO Box 643
Indianapolis, IN
46206-0643
Phone:
888-818-7795**

For more information about rights or procedures under the Indiana Worker's Compensation system, call or write:
Worker's Compensation Board of Indiana,
Ombudsman Division
402 W. Washington St.,
Rm. W196
Indianapolis, IN 46204
(317) 232-3808 or
1-800-824-2667



This Business is Subject to Indiana's Unemployment Insurance Laws

If you lose your job or work less than full time, you may be eligible for unemployment insurance benefits. Information is available online at www.in.gov/dwd. Computers are available at any Indiana WorkOne Center.

No deductions are made from employees' pay for unemployment insurance. This employer pays this tax.

X-11 12.2010

www.in.gov/dwd

1-800-891-6499



Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations with six or more persons are protected under State and Federal law from discrimination on the following bases:

Race | Color | Sex | Disability | Ancestry | Religion | National Origin | Veteran Status

This includes:

Discriminatory hiring, firing, training, discipline, compensation, promotion and other terms or conditions of employment

Denial of equal benefits or privileges

Denying a reasonable accommodation to a qualified individual with a disability or an employee with deeply held religious beliefs

Conducting medical examinations (except in limited circumstances)

Harassing employees because of their membership in a protected class

Retaliating against a person for filing a complaint, testifying at a hearing or assisting in an investigation

Failing to hire an applicant based on their status as a veteran



Contact Us

Indiana Civil Rights Commission
100 North Senate Avenue, Room N103
Indianapolis, IN 46204

Office: (317)232-2600 | Toll Free: (800) 628-2909
Hearing Impaired: (800) 743-3333 | Fax: (317) 232-6580
E-mail: icrc@icrc.in.gov | Website: www.in.gov/icrc