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 employers to provide 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 essential functions of the employee’s job.

Military Family Leave entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to attend certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, assuming 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 unable to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy, or on the temporary disability retirement 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 employers 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 period of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and 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. Employee may be required to submit reasonable efforts to schedule leave for notice must specify any additional information required as well as the employee’s 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 FMLA-protected, the leave entitled, when to make up any leave under FMLA. If the employer does not provide leave, the employee may refuse to perform the work in the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide sufficient information for the employer to determine if the leave is FMLA-protected and the anticipated timing and duration of the leave. Employees may also be required to perform certification and periodic recertification.

Unfavorable 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
For an employee who may file a complaint with the U.S. Department of Labor, or may apply for an enforcement order, the department or the district court may issue an order that restrains and provides relief to the employee, and the district court may award reasonable costs and expenses, including attorney fees, incurred in connection with any civil action.

FMLA section 190 (29 U.S.C. § 2651) requires FMLA-covered employers to post the text of this Act. Violation of this section may result in an award of $25,000, or $25,000 may be required by the Department of Labor, and the district court may provide relief to the employee.

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

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 applies to the uniformed services.

REEMPLOYMENT RIGHTS
You have the right to reemploy in your civilian job if you leave that job in an armed service of the uniformed service and:
• You were not discharged as a member of the uniformed service and:
• You were not separated from service for a disqualifying discharge or under any other honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you held before you entered the armed service.

You may also be entitled to benefits and services other than reemployment, including:
• All benefits to which you are entitled as a result of your military service;
• Any benefits to which you are entitled as a result of your civilian employment;
• Your membership or participation in any retirement, savings or deferred compensation plans.

If you are entitled to reemployment, you must notify your employer at least 30 days before the date you plan to return to work for your employer.

You are entitled to reemployment in your civilian job if you take a leave of absence, or if you are a member of the uniformed service who is:
• Enlisted;
• A Reserve Component other than the National Guard;
• A dependent who was entitled to leave under section 119 of Title 10; or
• An employee who has been laid off or otherwise separated from employment, but who is not entitled to leave under section 119 of Title 10.

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

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The enforcement of USERRA rights, including protecting against any employer interference, is administered by the 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 or contact VETS at 1-866-USA-DOL, or visit its website at www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/whd/eslav/usera.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, an independent representative. You may also bypass the VETS process and bring a civil action against any 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/usera/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 post notices for employees.

U.S. Department of Labor
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 2 OF 3
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 the 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 Counsel - NVA 950 Pennsylvania Ave, N.W. Washington, D.C. 20530

U.S. Department of Justice Office of Special Counsel - NVA 950 Pennsylvania Ave, N.W. Washington, D.C. 20530

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.

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.

This organization participates in E-Verify.

Employees 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.

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

In order to determine whether Form I-9 documentation is valid, this employer uses E-Verify’s photo matching tool to match the photograph appearing on some permanent resident and employment authorization cards with the official U.S. Citizenship and Immigration Services’ (USCIS) photograph.

Si usted tiene derecho a trabajar, no debe que nadie se lo quite.

Este Empleado Participa en E-Verify

Este empleado participa en E-Verify, lo que significa que esta empresa ha registrado su número de identificación de seguridad social con el gobierno federal para verificar su identidad y su autorización para trabajar.

Los empleadores no pueden utilizar E-Verify para limitar o influir en la selección de los documentos que los empleados deben presentar para ser utilizados en el Formulario I-9.

Aviso: La Ley Federal le exige a todos los empleadores que verifiquen la identidad y la legitimidad del empleo de cada persona contratada para trabajar en los Estados Unidos.

Si usted cree que su empleador ha violado sus responsabilidades bajo esta ley, o si ha discriminado contra usted durante el proceso de verificación debido a su lugar de origen o condición de ciudadano, favor ponerse en contacto con la Oficina de Asesoría Especial (TDD) al 1-800-255-7688 (TDD) or at www.uscis.gov.
SAFETY AND HEALTH PROTECTION ON THE JOB

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:

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.

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.

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.

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.

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.

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 nonserious 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
TTY/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 times 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 22-2-3 (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.

Indianapolis Department of Labor Commissioner Lori A. Torres 402 West Washington Street, Room W195 Indianapolis, IN 46204 (317) 232-2655 WEB SITE: www.in.gov/dol

REV 07/09

Employers of minors who are 14, 15 or 16 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
16 hours per school week
40 hours per 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. 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*
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 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

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

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.

www.in.gov/dwd 1-800-891-6499

The Law requires employers to display this Poster where employees can readily read it. Revised 3/12