

COMPLY RIGHT

FEDERAL LABOR LAW POSTINGS

EMPLOYER NOTE: Must be posted in a conspicuous place for convenient viewing by all employees and applicants.

OSHA: Occupational Safety and Health Act of 1970

Job Safety And Health It's the law!



EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSHA Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSHA Act that apply to your own actions and conduct on the job.

EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSHA Act.

This free poster available from OSHA -
The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-courtesy consultation programs in each state.

1-800-321-OSHA (3472)

www.osha.gov

OSHA 3165-02-2012R



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 laws from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964 as amended prohibits 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 but is not limited to reasonable religious practices where the accommodation does not impose undue hardship on the employer.

DISABILITY

Title I of the Americans with Disabilities Act of 1990, 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 but is not limited to reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee having 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 the 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 I of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits the disclosure of genetic information. Genetic information includes but is not limited to: a family member's status as a carrier of a gene associated with a disease; the manifestation of a disease or disorder in a family member (family medical history); and receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these laws have provided certain remedies from retaliating against a person who: files a charge of discrimination, participates in a discrimination proceeding, or otherwise exercises his or her rights under these laws.

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 provide a fair hearing.
- You are usually next to call EEOC promptly when discrimination is suspected.
- The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-648-6800 (toll-free) or EEOC Field Office (202) 693-7000 (TDD) 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. and Puerto Rico.
- EEOC, including information about charging time, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with federal government contracts or subcontracts are protected under laws from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits applicants and employees from race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity and advancement for all individuals at all levels of the organization.

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 but is not limited to reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee having undue hardship.

DISABLED RECENTLY SEPARATED PROTECTED AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam War Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 prohibits employers from discriminating against and requires affirmative action by employers to employ disabled veterans, recently separated veterans (within 3 years of discharge), and disabled veterans of the Vietnam War. Such affirmative action includes but is not limited to: a program or reputation for which a campaign badge has been authorized; and a program or reputation for which a campaign badge has been authorized; and a program or reputation for which a campaign badge has been authorized; and a program or reputation for which a campaign badge has been awarded.

RETALIATION

Executive Order 11246, as amended, prohibits against a person who files a complaint of discrimination, participates in a EEOC proceeding, or otherwise opposes discrimination under these Federal laws.

Programs or Activities Receiving Federal Financial Assistance

In addition to the restrictions 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 any program or activity that receives Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of services to individuals with disabilities. Discrimination cases or may cause discrimination in providing services under such programs. Title VI of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the restrictions of the Civil Rights Act of 1964, as amended, Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, religion, sex, or national origin in any program or activity that receives Federal financial assistance. Employment discrimination is covered by Title VII if the primary objective of the financial assistance is provision of services to individuals with disabilities.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from 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.

INDIVIDUALS WITH DISABILITIES

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

EEOC

EEOC 102 and OCFOP 8/08/Version Update Web 11/09 Supplement EEOC-PF (Revised 11/09)

USERRA: Uniformed Services Employment and Reemployment Rights Act

★ YOUR RIGHTS UNDER USERRA ★

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical Center. 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 the job to perform service in the uniformed service and:

- you return to that job your employer resumes active 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 to 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 honorable conditions.

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

RIGHT TO FREE FROM DISCRIMINATION AND RETALIATION

- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-800 or visit its website at <http://www.dol.gov/userrra>.
- An interactive online USERRA chat can be accessed at <http://www.dol.gov/userrra>.
- 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 for application 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 VETS website: <http://www.dol.gov/vets/programs/userrra/poster.htm>. If you have any questions about your rights under USERRA, and employers may meet this requirement by displaying this notice where their customers place orders for products.

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

Publication Date - October 2008



FMLA: Family and Medical Leave Act of 1993 (Only applies to certain employers – see note at bottom)



EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

- to care for a pregnant, prenatal, birth or child;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job.

Eligible Family Law Enforcement

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may receive their 12-week leave entitlement to address certain qualifying events. Qualifying events may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending a certain court proceeding, and attending post-discharge reentry education programs.

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: (1) a current member of the armed forces; (2) a former member of the armed forces; (3) a reservist who is undergoing military training, recuperation or therapy; or otherwise in outpatient status; for a serious injury or illness; or (4) a veteran who was discharged or released under conditions other than dishonorable at any time during the 1-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

The FMLA definitions of "serious injury or illness" for

covered employees are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, employers 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, an employer must restore the employee to their original or equivalent position with equivalent pay benefits, and employment seniority.

Use of FMLA leave cannot result in the loss of any employment benefits 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 12 months, have 1,250 hours of service in the previous 12 months; and if at least 50 employees are employed by the employer at the time of the employee's leave.

Special Hours of Service eligibility requirements apply to employers with fewer than 50 employees.

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 the normal daily activities of the employee. Subject to certain conditions, the continuing treatment requirement can be met by a period of incapacity of more than 1 consecutive calendar day during which at least two visits to a health care provider or one visit and a regimen of continuing treatment or medical care that prevents the employee from participating in their normal daily activities. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in 8-week increments or on a reduced leave schedule when medically necessary. Employees must be designated as FMLA-protected leave. Employees are not entitled to substitute leave to avoid planned medical leave or to not to unduly disrupt the employer's operations. Leave due to qualifying events may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or elect to use FMLA leave in substitution of paid 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 that is not the foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the employer's normal FMLA procedures.

Employer Responsibilities

Employers 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 intermittent FMLA 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 certification and periodic recertification supporting the need for leave.

Employer Responsibilities

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 employer's rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employees 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, employees must be notified of the employer's determination in any proceeding under or relating to FMLA.

Unlawful Acts by Employers

FMLA makes it unlawful for an employer to: interfere with, restrain, or deny the exercise of any right provided under FMLA; and 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, retaliation, and the amount of back pay or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employees to post this information. Regulation 29 CFR 832.500 may require additional disclosures.

For additional information:

1-866-4-USA-WAGE (1-866-478-9243)
TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



WHD Publication 1088 (Revised July 2009)