

# MASSACHUSETTS

## Package Contents:

- MA Fair Employment Law
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## Package Instructions:

1. Depending on the file size, print the relevant PDF files in either 8 ½ x 11 or 8 ½ x 14 sheets of paper in either landscape or portrait format, and unless otherwise specified use the color white.
2. The Federal OSHA poster must be printed in an 8 ½ x 14 sheet of paper to be in compliance.
3. Post the printed sheets in an area frequented by employees (i.e. lunch rooms, HR offices, employee lounges).



**ALL IN ONE POSTER COMPANY, INC.**

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# FAIR EMPLOYMENT IN MASSACHUSETTS

**Applicants to and employees of private employers with 6 or more employees\*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases:**

## **RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE**

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue hardship.

## **HARASSMENT**

Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. ***The law also prohibits harassment based on the protected classes set forth above.***

## **PARENTAL LEAVE**

The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

## **DISABILITY**

M.G.L. c. 151B prohibits discrimination the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment. Disability discrimination may include failing to reasonably accommodate an otherwise qualified person with a disability.

## **RETALIATION**

It is illegal to retaliate against any person because s/he has opposed any discriminatory practices or because s/he has filed a complaint, testified, or assisted in any proceeding before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to do so.

## **DOMESTIC WORKERS**

M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers where the employer has one (1) or more employee.\* While some exclusions apply, domestic workers generally include individuals paid to perform work of a domestic nature within a household on a regular basis, such as housekeeping, housecleaning, nanny services, and/or caretaking. Employers are prohibited from engaging in sexual harassment and harassment and/or discrimination based on the protected classes described above, i.e. race, color, etc. Domestic workers are also entitled to parental leave.

## **CRIMINAL HISTORY INQUIRIES**

The law prohibits employers from asking applicants on an initial employment application for any criminal background information unless an exemption by statute or regulation exists.

## **MENTAL HEALTH FACILITY ADMISSION INQUIRIES**

Employers may not refuse to hire or terminate an employee for failing to furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility.

## **IF YOU HAVE BEEN DISCRIMINATED AGAINST**

If you feel you have been harassed or discriminated against, you should immediately file a charge of discrimination with the **Massachusetts Commission Against Discrimination**, [www.mcad.gov](http://www.mcad.gov), at one of the offices below.

***An agreement with your employer to arbitrate your discrimination claim(s) does not bar you from filing a charge of discrimination.***

Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 – P: 617-994-6000 F: 617-994-6024

New Bedford Office: 800 Purchase St., Room 501, New Bedford, MA 02740 – P: 508-990-2390 F: 508-990-4260

Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 – P: 413-739-2145 F: 413-784-1056

Worcester Office: 484 Main St., Room 320, Worcester, MA 01608 – P: 508-453-9630 F: 508-755-3861

For more information, please see our website: [www.mass.gov/mcad/](http://www.mass.gov/mcad/)



## Massachusetts Commission Against Discrimination



### PARENTAL LEAVE

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

The parental leave law is now gender neutral. Both men and women are entitled to parental leave.

If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons beyond the employee's control.

The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to an employee on leave for the birth of a child.

The law expands the notice requirements, mandating that employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave.

THE EMPLOYEE IS ENTITLED TO RETURN TO THE SAME OR A SIMILAR POSITION WITHOUT LOSS OF EMPLOYMENT BENEFITS FOR WHICH SHE WAS ELIGIBLE ON THE DATE HER LEAVE COMMENCED, IF THE PARENTAL LEAVE IS TERMINATED WITHIN EIGHT WEEKS. (THE GUARANTEE OF A SAME OR SIMILAR POSITION IS SUBJECT TO CERTAIN EXCEPTIONS SPECIFIED IN M.G.L. C. 149, § 105D.). ACCRUED SICK LEAVE BENEFITS SHALL BE PROVIDED FOR PARENTAL LEAVE PURPOSES UNDER THE SAME TERMS AND CONDITIONS WHICH APPLY TO OTHER TEMPORARY MEDICAL DISABILITIES. ANY EMPLOYER POLICY OR COLLECTIVE BARGAINING AGREEMENT WHICH PROVIDES FOR GREATER OR ADDITIONAL BENEFITS THAN THOSE OUTLINED IN THIS NOTICE SHALL CONTINUE TO APPLY.

**Boston:** One Ashburton Place, Room 601, Boston, MA 02108; 617-994-6000

**Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103; 413-739-2145

**Worcester:** 484 Main Street, Room 320, Worcester, MA 01608; 508-453-9630

**New Bedford:** 800 Purchase, Room 501, New Bedford, MA 02740; 508-990-2390

Visit our website for more resources and instructions on filing a complaint: [www.mass.gov/mcad](http://www.mass.gov/mcad)

# Massachusetts Wage & Hour Laws

## MINIMUM WAGE \$9.00

Effective January 1, 2015

M.G.L. chapter 151, sections 1 and 2

Effective January 1, 2016, the minimum wage will be \$10.00.

Effective January 1, 2017, the minimum wage will be \$11.00.

The minimum wage law applies to all employees except those being rehabilitated or trained in charitable, educational, or religious institutions; members of religious orders; agricultural, floricultural, and horticultural workers; those in professional service; and outside salespersons not reporting to or visiting their office daily. For further information regarding the Massachusetts state minimum wage, contact the Massachusetts Department of Labor Standards at (617) 626-6975 or visit [www.mass.gov/dols](http://www.mass.gov/dols).

Wait staff, service employees and service bartenders may be paid the service rate of \$3.00 per hour if they regularly receive tips of more than \$20 a month, and if their average hourly tips, when added to the service rate, are equal to or exceed the basic minimum wage. M.G.L. chapter 151, section 7. The service rate will increase to \$3.35 on January 1, 2016, and to \$3.75 on January 1, 2017.

Agricultural employees may be paid \$8.00 per hour. M.G.L. chapter 151, section 2A. A higher rate may apply under Federal law. For more information, contact the U.S. Department of Labor at (617) 624-6700 or visit [www.dol.gov/whd](http://www.dol.gov/whd).

## PAYMENT OF WAGES

M.G.L. chapter 149, section 148

Wages (payment for all hours worked, including tips, earned vacation pay, holiday pay, and definitely determined and due commissions) must be paid within the following time periods:

- If employed for five or six days in a calendar week, within six days of the end of the pay period during which the wages were earned;
- If employed seven days in a calendar week, within seven days of the end of the pay period during which the wages were earned;
- An employee who has worked for a period of less than five days (also known as a casual employee), within seven days of the end of the period.

An employee who resigns his or her employment must be paid in full on the following regular pay day, or in the absence of a regular pay day, no later than the following Saturday. An employee involuntarily terminated from employment or laid off must be paid in full on the day of discharge.

Employees who are paid on an hourly basis must be paid weekly or bi-weekly. Employers may not make agreements with employees to be paid in another manner.

Employers must give each employee a pay statement setting forth the name of employer, name of employee, date of check (including the day, month and year), number of hours worked during the pay period, hourly rate, and all deductions or increases made during the pay period. This statement must be provided with each payment of wages.

**Deductions:** No deduction, other than those required or allowed by law or specifically requested by an employee and for the employee's sole benefit shall be made.

## TIPS

M.G.L. chapter 149, section 152A

Tip pooling in which tips are distributed to any person not a wait staff, service employee or service bartender is prohibited.

Total proceeds of a tip or service charge contained in a bill must be remitted only to wait staff employees, service employees or service bartenders in proportion to the service provided by those employees.

Under no circumstances may management employees or owners receive any portion of their employees' tips.

## MEAL BREAKS

M.G.L. chapter 149, sections 100 and 101

Employees who work a period of more than six hours are entitled to a 30-minute meal break. Employees must be relieved of all duties during the meal break.

Compensation for the 30-minute meal break must be paid if the employee has voluntarily agreed to waive his or her meal break by (1) working through his or her meal break, or (2) agreeing to remain on premises during the meal break.

This law does not apply to: iron works, glass works, paper mills, letterpress establishments, print works, bleaching works or dyeing works. Exemptions may be granted for other continuous processes in factories, workshops or mechanical establishments, or under other special circumstances.

## TRAVEL TIME

455 CMR 2.03(4)

Ordinary travel between home and work is not compensable working time. However, if an employee who regularly works at a fixed location is required, for the convenience of the employer, to report to a location other than his or her regular work site, the employee shall be compensated for all travel time in excess of his or her ordinary travel time between home and work. An employee required or directed to travel from one place to another after the beginning of or before the close of the work day shall be compensated for all travel time.

## REPORTING PAY

455 CMR 2.03(1)

When an employee who is scheduled to work three or more hours reports for duty at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage. This provision shall not apply to organizations granted status as charitable organizations under the Internal Revenue Code.

## FAIR LABOR HOTLINES

Monday through Friday, 9:00 a.m. to 5:00 p.m.

Boston: (617) 727-3465

New Bedford: (508) 990-9700

Springfield: (413) 784-1240

Worcester: (508) 792-7600

Fair Labor Division • One Ashburton Place • Boston, MA 02108

(617) 727-2200 • (617) 727-4765 TTY

[www.mass.gov/ago](http://www.mass.gov/ago) • [www.laborlowdown.com](http://www.laborlowdown.com) • [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment)

# Office of the Massachusetts Attorney General

M.G.L. chapter 149, sections 56 through 105

Employment permits are required for minors under age 18. Employment permits must be issued for and maintained at the site where the minor is working. Employment permits are issued by the superintendent of schools in the city or town where the minor attends school or lives. For information on obtaining an employment permit, please contact the Department of Labor Standards at (617) 626-6975 and or visit [www.mass.gov/dols](http://www.mass.gov/dols).

## CHILD LABOR

### 14-15-Year-Old Minors

14-15-Year-Old minors may NOT be employed:

- during school hours EXCEPT as provided in approved work experience and career exploration programs;
- between 7:00 p.m. and 7:00 a.m. EXCEPT from July 1 through Labor Day, when they may work until 9:00 p.m.;
- more than 3 hours per day during school weeks, or more than 8 hours per day during weeks when school is not in session;
- more than 18 hours per week EXCEPT in approved work experience and career exploration programs, in which case, they may work 23 hours per week;
- more than 40 hours per week when school is not in session; more than 6 days per week.

*\*The Federal Fair Labor Standards Act, enforced by the U.S. Department of Labor, also restricts the employment of minors. This list combines the most restrictive of state and federal time and hour requirements.*

### TIME AND HOUR RESTRICTIONS\*

#### 16-17-Year-Old Minors

16-17-Year-Old minors may NOT be employed between 10:00 p.m. and 6:00 a.m.

EXCEPT:

- when an establishment stops serving customers at 10:00 p.m., the minor may work until 10:15 p.m.;
- on nights not preceding a regularly scheduled school day they may work until 11:30 p.m.; and
- in restaurants and race tracks, they may work until 12:00 a.m. on nights not preceding a regularly scheduled school day.

16-17 year old minors may NOT be employed:

- more than 9 hours per day;
- more than 48 hours per week;
- more than 6 days per week.

### HAZARDOUS OCCUPATION RESTRICTIONS\*\*

Minors 14-15 years of age are prohibited from certain occupations, industries, and tasks. For example, 14-15 year old minors may not work in or around manufacturing facilities or factories, mechanical establishments where machinery is used, on construction sites, in garages or tunnels. Minors 16-17 years of age are prohibited from certain occupations, industries and tasks. For example, they may not drive a motor vehicle or forklift on the job or work 30 feet or more off the ground. All minors are prohibited from working any job requiring the possession or use of a firearm.

*\*\*This is not an exhaustive list. For a complete list of prohibited occupations for minors 14-15 and 16-17 years of age, please contact the Fair Labor Division of the Attorney General's Office at (617) 727-3465 or visit [www.mass.gov/ago/youthemployment](http://www.mass.gov/ago/youthemployment), or the U.S. Department of Labor at (617) 624-6700 or visit [www.dol.gov](http://www.dol.gov).*

### SUPERVISION REQUIREMENTS

After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

## OVERTIME

Employees must be paid at least one and one-half times their regular hourly rate of pay for all hours worked in excess of 40 per week. The overtime rate for employees who receive the service rate must be calculated based upon the basic minimum wage. Certain categories of employment and workplaces are exempt from the state overtime requirement<sup>†</sup>, including:

- as a janitor or caretaker of residential property, who when furnished with living quarters is paid a wage of not less than \$30 per week
- as a golf caddy, newsboy or child actor or performer
- as a bona fide executive, administrator, professional person or a qualified trainee for such position earning more than \$80 per week
- as an outside salesman or outside buyer
- as a learner, apprentice or handicapped person under a special license as provided in section nine
- as a fisherman or as a person employed in the catching or taking of any kind of fish, shellfish or other aquatic forms of animal and vegetable life
- as a switchboard operator in a public telephone exchange
- as a driver or helper on a truck with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service
- by a common carrier of passengers by motor-vehicle
- in a business which is operated during a period or accumulated periods not in excess of 120 days in a year, and determined by the Director of the Department of Labor to be seasonal in nature
- as a seaman
- in a hotel, motel, motor court or like establishment
- in a gasoline station
- in a restaurant
- as a garageman, which term shall not include a parking lot attendant
- in a hospital, sanatorium, convalescent or nursing home, infirmary, rest home or charitable home for the aged
- in a nonprofit school or college
- in a summer camp operated by a nonprofit charitable corporation
- as a laborer engaged in agriculture and farming on a farm
- in an amusement park containing a permanent aggregation of amusement devices, games, shows, and other attractions operated during a period or accumulated periods not in excess of 150 days in any one year

<sup>†</sup>Note that some of these occupations may not be exempt under federal law.

## EMPLOYEE'S RIGHT TO SUE

Employees have the right to bring private lawsuits against their employers on behalf of themselves and other similarly situated employees under the following wage and hour laws: M.G.L. chapter 149, sections 27, 27F, 27G, 27H, 33E, 52D, 148, 148A, 148B, 150, 150C, 152, 152A, 159C, 190 (Eff. 4/1/2015); and chapter 151, sections 1B, 19 and 20.

Employees who prevail in their lawsuits are entitled to back pay, triple damages, attorneys' fees and litigation costs.

For violations of chapter 149 and chapter 151, section 19, employees must first file a complaint with the Attorney General's Office (and wait 90 days or obtain permission from the Attorney General to proceed with a private lawsuit before the 90-day period has passed) before filing in court. Any lawsuit under these provisions must be filed in court within 3 years after the violation(s).

For violations of chapter 151, sections 1B and 20, employees do not need to file with the Attorney General's Office, but must file in court within 3 years after the violation(s).

## INSPECTION OF PAYROLL RECORDS

M.G.L. chapter 151, section 15

Employees have a right to inspect their own payroll records at reasonable times and places. Such records must be kept for 3 years and must include: a true and accurate record of the name, address and occupation of the employee, of the amount paid each pay period and of the daily and weekly hours worked by the employee.

## SMALL NECESSITIES LEAVE ACT

M.G.L. chapter 149, section 52D

Certain employees are permitted to take a total of 24 hours of unpaid leave during any 12-month period in order to: (1) participate in school activities directly related to the educational advancement of a son or daughter of the employee; (2) accompany the son or daughter of the employee to routine medical or dental appointments; (3) accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care. Employees are eligible for the 24 hours of leave if: (1) their employer has 50 or more employees, (2) they have been employed for at least 12 months by the employer; and (3) the employee has worked for at least 1,250 hours for the employer during the previous 12-month period. For more information, visit the Attorney General's Office website at [www.mass.gov/ago](http://www.mass.gov/ago).

## NO RETALIATION

M.G.L. chapter 149, section 148A

M.G.L. chapter 151, section 19

No employee shall be penalized by an employer or in any way discriminated against because he or she has made a complaint or otherwise sought to enforce rights under the wage and hour provisions of chapters 149 and 151.

**WORKPLACE NOTICE:** This workplace notice is issued in accordance with the provisions of Massachusetts General Laws M.G.L. c. 151, s. 16 and the Code of Massachusetts Regulations 455 CMR 2.06(1), which require that employers post it in a conspicuous location.



# RIGHT TO KNOW WORKPLACE NOTICE

The **RIGHT TO KNOW LAW, Chapter 111F** of the Massachusetts General Laws, provides rights to Public Sector employees\* regarding the communication of information on toxic and hazardous substances. These rights include:

**WORKPLACE NOTICE-** A notice must be posted in a central location in the workplace informing employees of their rights under the law. The notice must be in the English language. In workplaces where employees' first language is other than English, the notice must be posted in that language.

**TRAINING-** Employers must provide an annual training program to employees who work with toxic or hazardous substances. New employees must receive training within thirty days from date of hire. The training program must be conducted by a competent person and may be in the form of verbal and/or written instruction. At a minimum, training must include an explanation of employee rights, information on how to read an MSDS, the specific hazards of the chemicals used, handled or stored in the workplace, the type of personal protective equipment to be worn, and information on labeling of hazardous substances. This training must be done with pay during the employee's normal work shift or work hours. The employer must maintain a record of this training.

**MATERIAL SAFETY DATA SHEET (MSDS)-** The Material Safety Data Sheet is the document that provides information on each toxic or hazardous substance used or stored in the workplace. An employee or his or her designated representative has the right to obtain and examine the MSDS for any toxic or hazardous substance to which the employee "is, has been, or may be", exposed, if the employee's request is made to the employer in writing. After four working days from the date the request is made, an employee can refuse to work with the substance under two circumstances:

1. The employer fails to: (a) furnish the employee with the MSDS and (b) furnish the employee with proof that the employer has exercised diligent effort to obtain the MSDS, either through the manufacturer or through the Commissioner of the Division of Occupational Safety, or,
2. The MSDS provided by the employer is incomplete or outdated.

**LABELING-** All containers in the workplace of more than five pounds or more than one gallon, containing toxic or hazardous substances, must be labeled with the chemical name of the substance. Containers of mixtures must be labeled with the chemical name of each toxic or hazardous constituent when the constituents comprise one percent or more of the mixture. Containers must also be labeled with the appropriate National Fire Prevention Association (NFPA) symbol if available. Labels must be clear, prominent, in English and weather resistant. There are some exceptions to the labeling requirements for containers which are labeled in accordance with certain Federal laws.

**NON-DISCRIMINATION-** An employee who believes he or she has been discharged, disciplined, or in any other manner discriminated against by an employer for exercising rights granted under the Law, has one hundred eighty days following the violation of the Law or following the date on which he or she obtained knowledge that a violation occurred, to file a complaint with the Commissioner of the Division of Occupational Safety. A copy of the complaint must be sent to the employer at the same time by certified mail.

**NOTE-** The employee rights listed above are further defined in Chapter 111F of the Massachusetts General Laws and the Code of Massachusetts Regulations 454 CMR 21.00. Copies of the law and regulation can be obtained at the Statehouse Bookstore (617-727-2834).

All Right-to Know Inquiries should be addressed to:  
Department of Labor Standards  
19 Staniford Street, 2<sup>nd</sup> Floor  
Boston, MA 02114  
Tel.: 617-626-6975

\*Private sector employees in Massachusetts are covered by a similar regulation, the Hazard Communication Standard (29 CFR 1910.1200), enforced by the Federal Occupational Safety and Health Administration (OSHA 617-565-9860).



# Information on Employees' Unemployment Insurance Coverage

Employer name

Employer DUA ID #

Address

Employees of this business or organization are covered by Unemployment Insurance (UI), a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits.

If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to apply for Unemployment Insurance benefits. Before you file, your employer will give you a copy of the pamphlet: **How to Apply for Unemployment Insurance Benefits**, provided by the Massachusetts Department of Unemployment Assistance (DUA).

## There are two ways to apply for UI Benefits:



### Apply by Using UI Online

UI Online is a secure, easy-to-use, self-service system. You can apply for benefits, reopen an existing claim, request weekly benefit payment, check your claim status, sign up for direct deposit, update your address and even file an appeal online. When you use UI Online for the first time, you will be asked to enter your Social Security Number (SSN), create a password, and select a security question and answer. Remember your password and security answer. You will use your SSN and password to access UI Online each week. If you forget your password, your security question and answer will be used to reset your password. To apply for benefits using UI Online, go to [www.mass.gov/dua](http://www.mass.gov/dua), select **UI Online for Claimants** and complete the required information to submit your application.



### Apply by calling the TeleClaim Center

Unemployment Insurance services are available by telephone. You can apply for Unemployment Insurance benefits, reopen a current claim, obtain up-to-date information on the status of your claim and benefit payment, resolve problems, and sign up for direct deposit — all by telephone. To apply for benefits by telephone, call the TeleClaim Center at 1-877-626-6800 from area codes 351, 413, 508, 774, and 978; or 1-617-626-6800 from any other area code. You will be asked to enter your Social Security Number and the year you were born. You will then be connected to an agent who will take the information necessary to file your claim.

Note: During peak periods from Monday through Thursday, call scheduling may be implemented, providing priority for callers based on the last digit of their Social Security Number. This helps ensure that you and others can get through to the TeleClaim Center in a timely manner. Please check the schedule on the right before calling.

If the last digit of your Social Security number is:	Assigned day to call Teleclaim is:
0, 1	Monday
2, 3	Tuesday
4, 5, 6	Wednesday
7, 8, 9	Thursday
Any last digit	Friday

This document contains important information. Please have it translated immediately.

В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.

Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.

Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.

Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.

Este documento contém informações importantes. Por favor, traduzi-lo imediatamente.

Docikman sa gen enfòmasyon enpòtan. Tanpri fè yon moun tradwi l touswit.

본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 하십시오.

ເອກະສານສະບັບນີ້ ບັນຈຸຂໍ້ມູນສໍາຄັນ. ກະລຸນາເອົາເອກະສານສະບັບນີ້ໄປແປອອກ ຢ່າງບໍ່ລີ້ຊ້າ.

ឯកសារនេះមានສູງກັດຄືមានຜິດສໍາຄັນ ។

សូមបកប្រែវាជាបន្ទាន់ ។

Ce document contient des informations importantes. Veuillez le faire traduire au plus tôt.

此文件含有重要信息。請立即找人翻譯。

تحتوي هذه الوثيقة على معلومات هامة. يرجى ترجمتها فوراً!

**IMPORTANT:** Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer and the identification number assigned to the employer by the Department of Unemployment Assistance.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services, call 711.

NOTICE  
TO  
EMPLOYEES



NOTICE  
TO  
EMPLOYEES

# The Commonwealth of Massachusetts

## DEPARTMENT OF INDUSTRIAL ACCIDENTS

1 Congress Street, Suite 100, Boston, Massachusetts 02114-2017

617-727-4900 - <http://www.state.ma.us/dia>

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with:

---

NAME OF INSURANCE COMPANY

---

ADDRESS OF INSURANCE COMPANY

---

POLICY NUMBER

EFFECTIVE DATES

---

NAME OF INSURANCE AGENT

ADDRESS

PHONE #

---

EMPLOYER

ADDRESS

---

EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY)

DATE

## MEDICAL TREATMENT

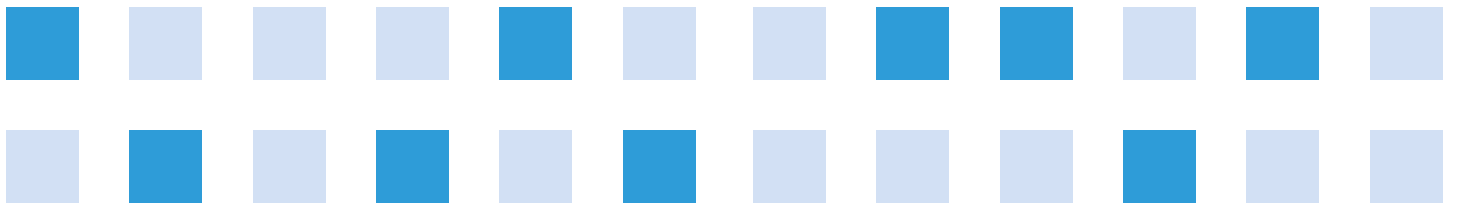
The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers' Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

---

NAME OF HOSPITAL

ADDRESS

TO BE POSTED BY EMPLOYER



All Massachusetts indoor workplaces,  
including restaurants and bars,  
are required to be **SMOKE-FREE**.



The health of all Massachusetts workers  
is protected by the Massachusetts Smoke-Free  
Workplace Law. (M.G.L. Chapter 270, section 22)

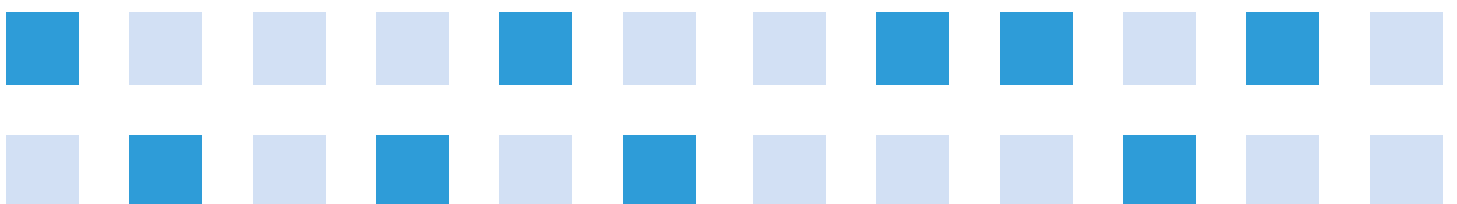


*So work hard and breathe easier.  
Because clean air works for everyone.*



**For more information about the Massachusetts Smoke-Free Workplace Law  
visit our website at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp) or call 1-800-992-1895.**

Sponsored by the Massachusetts Department of Public Health





# MCAD FACT SHEET

## SEXUAL HARASSMENT IN EMPLOYMENT

Massachusetts and federal law prohibit both sexual harassment in employment and retaliation against persons who resist or object to sexual harassment or cooperate in investigations of sexual harassment. The Massachusetts Commission Against Discrimination enforces these laws.

Definition: Sexual harassment consists of:

1. any verbal or physical acts or conduct,
2. of a sexual nature
3. which is unwelcome by the victim, and
4. (a) submission to such conduct is necessary to obtain or keep your job, or (b) submission or resistance to such conduct affects your pay, job assignments, promotions, or other aspects of your job, or (c) the conduct unreasonably interferes with doing your job, or creates an intimidating, hostile, humiliating or offensive working environment.

Sexual harassment includes both overt acts of oral, written, or physical abuse and more subtle, but equally damaging forms of offensive conduct such as the use of epithets, slurs, or the display or circulation of offensive, graphic or written material/

Unwelcome means "not received by choice or willing consent, regarded as undesirable or offensive". Whether or not something is unwelcome is decided by the victim. Sexual harassment may exist even in the absence of economic or tangible job consequences.

### Employer Responsibility

1. Employers may be held responsible for acts of sexual harassment and retaliation by their supervisor even if the employee has not complained.
2. Employers may also be responsible for the acts of co-workers if the employer knew or should

have known of the conduct and failed to take prompt and effective corrective action.

3. Employers may be responsible for the acts of non-employees at work if the employer knew or should have known of the conduct and failed to take prompt and effective corrective action within the employer's legal ability to do so.

4. Employers must investigate complaints of sexual harassment or retaliation carefully and thoroughly.

5. Employers should have effective procedures in place to enable and employee to complain of sexual harassment or retaliation without having to complain to the offending person.

### Corrective Action:

When harassment or retaliation has occurred, the employer must take prompt and effective corrective action designed to:

- Do whatever is necessary to end the harassment or retaliation,
- Restore lost employment benefits and opportunities,
- Prevent the misconduct from recurring, and
- Prevent retaliation.

Disciplinary action against the offending person, ranging from reprimand to discharge, may be necessary. Generally, the corrective action should reflect the severity of the conduct.

If you believe you have been discriminated against, contact MCAD immediately because, in most circumstances, you must file a charge at the MCAD within six (6) months of the alleged discriminatory action.

**Sexual Harassment at work does not have to be tolerated.**

**It's Illegal.**

**If you are being sexually harassed, report it immediately to your supervisor or contact:**

**You can file a complaint with the Massachusetts Commission Against Discrimination (MCAD) Visit or contact the MCAD at one of the following locations:**

One Ashburton Place Room 601 Boston, MA 02108 617/727-3990 617/720-6054 TTY	436 Dwight Street Room 220 Springfield, MA 01103 413/739-2145
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# THE FAIR HOUSING LAW

THE FAIR HOUSING LAW DECLARES THAT IT IS ILLEGAL TO DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, AGE, CHILDREN, ANCESTRY, MARITAL STATUS, VETERAN HISTORY, PUBLIC ASSISTANCE RECIPIENCY, OR HANDICAP (MENTAL OR PHYSICAL)

It is an unlawful practice for owners, lessees, sublessees, licensed real estate brokers, assignees, managing agents, or unit owners to refuse (on the basis of membership in one or more of the above groups) the:

Right to Buy

Right to Lease

Right to Rent

Right of Ownership

Right of Possession

## Under Massachusetts Law, it is illegal to:

Discourage a person from buying or renting a dwelling in a particular area and encourage him or her to buy or rent in another area.

Represent that a dwelling is not available for sale, rent or inspection when the dwelling is in fact so available.

Charge or quote a higher rental or sale price for a dwelling.

State or provide less favorable terms for the rental or sale of a dwelling.

Publish discriminatory advertising.

Discriminate in the granting of mortgage loans.

Discriminate on the basis of handicap by refusing to make reasonable accommodations in policies and services or refusing to permit reasonable modifications of dwellings.

Discriminate on the basis of rental subsidy reciprocity by refusing to rent to subsidy recipients because of subsidy program requirements.

Refuse to rent to families with children under six because of lead paint.

### Notice to Real Estate Agents

State law provides *limited* exemptions for owners of *certain types* of residential properties. *These exemptions do not apply to real estate agents.*

### Complaints:

ALL COMPLAINTS MUST BE FILED IN WRITING. INFORMATION ON THE FILING OF COMPLAINTS CAN BE OBTAINED BY EITHER VISITING OR CONTACTING THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION AT THE FOLLOWING LOCATIONS:

One Ashburton Place, Rm. 601  
Boston MA 02108  
(617)994-6000 voice  
(617) 994-6196 TTY

436 Dwight Street, Rm. 220  
Springfield MA 01103  
(413) 739 2145 voice

[www.mass.gov/mcad](http://www.mass.gov/mcad)

*Massachusetts General Laws, G.L. c. 151B §7 mandates the posting of this notice.*

# PAY DAY NOTICE

Regular Pay Days for Employees of \_\_\_\_\_  
(Firm Name)

shall be as follows:

\_\_\_\_ Weekly    \_\_\_\_ Bi-Weekly    \_\_\_\_ Semi Monthly    \_\_\_\_ Monthly

Pay Checks will be distributed at

\_\_\_\_\_  
(Place of Distribution)

**This is in accordance with Massachusetts State Law**

By \_\_\_\_\_ Title \_\_\_\_\_

---

## EMERGENCY PHONE NUMBERS

**For**

\_\_\_\_\_  
(Please Give Exact address of This Worksite Location)

Physicians: \_\_\_\_\_

Hospitals: \_\_\_\_\_

Ambulances: 911 or \_\_\_\_\_

Fire Department 911 or: \_\_\_\_\_

Police: 911 or \_\_\_\_\_

PLEASE POST IN A CONSPICUOUS LOCATION

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## NO SMOKING

**It is illegal  
to smoke  
in this  
establishment.**



To report a violation,  
contact the  
Massachusetts Dept.  
of Public Health at  
1-800-992-1895.

# EMPLOYEE RIGHTS

## 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, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

### EXEMPTIONS

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

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

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

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 actions.

**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**

Scan your QR phone reader to learn more about the Employee Polygraph Protection Act.

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

WHD 1462  
Rev. Jan 2012

# 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 Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **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](http://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](http://www.eeoc.gov).

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## 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](mailto: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.

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## 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.

# 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, 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 whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status 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: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-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 current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## 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 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew 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 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; 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, 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. Regulation 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](http://WWW.WAGEHOUR.DOL.GOV)

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



WHD Publication 1420 · Revised February 2013

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

**OVERTIME PAY** At least 1½ 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 pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

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





U.S. Department of Labor



# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

## Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**



# 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 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/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



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

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

**1-800-336-4590**

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