

# Federal Minimum Wage

## \$7.25 per hour

Beginning July 24, 2009

**Overtime Pay**  
At least 1½ times your regular rate for all hours worked over 40 in a workweek.

**Child Labor**  
An employee must be at least 16 years old with most non-hazardous 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 Credits**  
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 \$4.24 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](http://www.wagehour.dol.gov)  
U.S. Department of Labor | Wage and Hour Division  
WH0 Publication 1088 (Revised July 2009)



# 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 are entitled to an additional 26 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- To attend 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 reintroduction 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 employee is an employee of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment or therapy, is otherwise in a patient 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 FMLA definitions 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, no other employment benefits must be provided to the 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, for 1,250 hours 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 air-line 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 one or more of the following: a medical diagnosis, continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the job of the employee, or prevents the qualified family member from participating in school or other daily activities where the accommodation does not impose undue hardship.

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**  
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.

**Substitution of Paid Leave for Unpaid Leave**  
Employees may choose to exhaust any accrued paid leave before taking FMLA leave. In order to use the paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

**Employer 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.

**Employer Responsibilities**  
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the employer 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.

**Unlawful Acts by Employers**  
FMLA makes it unlawful for any employer to:

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

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

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

# 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, prohibits applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, recruitment, referral, or other aspects of employment. Discrimination includes but is not limited to discrimination 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 accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is applying for employment, 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)**  
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.

### 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, prohibits 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. It also requires reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is applying for employment, barring undue hardship. Section 504 also requires that Federal contractors take affirmative action to employ and advance qualified individuals with disabilities at all levels of employment, including the executive level.
- DISABLED VETERANS (SERVICES) (OTHER PROTECTED)**  
AND ARMED FORCES SERVICE MEDICAL 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 substantially disabled veterans, and other protected veterans.

### 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.

# Federal 6-in-1 Labor Law Poster

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

1-800-321-OSHA • [www.osha.gov](http://www.osha.gov)

U.S. Department of Labor  
Occupational Safety and Health Administration • OSHA 3165-12-06R

# The Employee Polygraph Protection Act

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 (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributor 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.

**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.

**Additional Information**  
Additional information may be obtained, and complaints of violations may be filed, at local offices of the Wage and Hour Division. To locate your nearest Wage-Hour office, telephone our toll-free information and help line at 1-866-4USWAGE (1-866-487-9243). A customer service representative is available to assist you with referral information from 8am to 5pm in your time zone; or if you have access to the internet, you may log onto our Home page at [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

The law requires employers to display this poster where employees and job applicants can readily see it.

\*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.

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division  
Washington, D.C. 20210



# 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.

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|---|--|
| <b>REEMPLOYMENT RIGHTS</b>  | <b>HEALTH INSURANCE PROTECTION</b>   |
| • You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: <ul style="list-style-type: none"><li>• you ensure that your employer receives advance written or verbal notice of your service;</li><li>• you have five years or less of cumulative service in the uniformed service while with that particular employer;</li><li>• you return to work or apply for employment in a timely manner after conclusion of service; and</li><li>• you have not been separated from service with a disqualifying discharge or under other than honorable conditions.</li></ul> | • 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.  |
| • 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.   | • 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 illness or injuries. |

**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;
- 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.

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 <http://www.dol.gov/programs/userra/poster.htm>. The Federal law requires employers to notify employees of their rights under USERRA, and employers must post this requirement by displaying the text of this notice where they customarily place notices for employees.

