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# LaborLawCenter.com



Compliance Code: AL-0723-F04 • Check Compliance By Scanning Here •

## **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

#### Know Your Rights: Workplace Discrimination is Illegal

as Discriminatory?

• Discharge, firing, or lay-off

or physical conduct)

Hiring or promotion

Assignment

or proceeding

All aspects of employment, including:

ALABAMA

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

#### Who is Protected?

• Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for membership in a union

What Organizations are Covered? Most private employers • State and local governments (as employers) Educational institutions (as employers) Unions Staffing agencies

#### What Types of Employment Discrimination are

llegal? • Pay (unequal wages or compensation) Under the EEOC's laws, an employer may not Failure to provide reasonable accommodation discriminate against you, regardless of your for a disability; pregnancy, childbirth, or related immigration status, on the bases of: medical condition; or a sincerely-held religious Race belief, observance or practice Color Benefits Religion Job training National origin Classification Sex (including pregnancy, childbirth, and related Referral medical conditions, sexual orientation, Obtaining or disclosing genetic information or gender identity) of employees Age (40 and older) Disability of employees Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or charge, or participating in an investigation family medical history)

• Retaliation for filing a charge, reasonably opposing • Conduct that coerces, intimidates, threatens, or discrimination, or participating in a discrimination interferes with someone exercising their rights, lawsuit, investigation, or proceeding or someone assisting or encouraging someone • Interference, coercion, or threats related else to exercise rights, regarding disability discrimination (including accommodation) or to exercising rights regarding disability discrimination or pregnancy accommodation pregnancy accommodation

What Employment Practices can be Challenged What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of Harassment (including unwelcome verbal discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in

any of the following ways:

**Submit** an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx

**Call** 1–800–669–4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at

 Requesting or disclosing medical information • Conduct that might reasonably discourage someone from opposing discrimination, filing a

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** 

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

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

**Protected Veteran Status** The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors based on race, color, religion, sex, sexual discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities 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)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <u>https://ofccphelpdesk.dol.gov/s/</u>, or by calling an OFCCP regional or district

## WORKERS' COMPENSATION

## **STATE OF ALABAMA** WORKERS' COMPENSATION INFORMATION



If you are injured on the job, or contract an occupational disease, notify your employer immediately.

Your employer will advise you of the physician to see for authorized medical treatment.

#### WORKERS' COMP INSURANCE CARRIER

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#### **TELEPHONE NUMBER**

ASSISTANCE IS AVAILABLE UNDER THE ALABAMA WORKERS' COMPENSATION LAW INCLUDING MEDIATION SERVICE. FOR INFORMATION CALL: 1-800-528-5166

**Department of Labor Workers' Compensation Division** 649 Monroe Street Montgomery, AL 36131 CODE OF ALABAMA, 1975, § 25-5-290(d), REQUIRES THAT THIS NOTICE BE POSTED IN ONE OR MORE CONSPICUOUS PLACES IN YOUR BUSINESS.

## ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

> For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

## PAYDAY NOTICE

## **Regular Paydays for Employees of**

(Company Name)

#### Shall be as follows:

## **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 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 https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/ elaws/vets/userra

 Ifyoufileacomplaint 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.

Publication Date — May 2022

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: https://www.dol.gov/agencies/vets/programs/userra/poster. 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.



## UNEMPLOYMENT COMPENSATION

# YOUR JOB INSURANCE



Workers in this establishment are covered by the Alabama Unemployment Compensation Law.

#### YOU MAY BE ENTITLED TO BENEFITS IF:

- (1) You become totally or partially unemployed under conditions defined by law and you are otherwise eligible and gualified for benefits and
- (2) you are separated from your job through no fault of your own.

www.eeoc.gov/field-office) E-Mail info@eeoc.gov Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov

Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

#### **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 financial assistance, you should immediately contact the Federal agency 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 providing such assistance. (Revised 6/27/2023)

## **CHILD LABOR LAWS**

## **ALABAMA CHILD LABOR LAWS**

Each employer shall obtain and display the proper Child Labor Certificate(s) for each location where minors under the age of 18 are employed. To apply for a certificate(s) go to www.labor.alabama.gov

#### Persons under 14 years of age SHALL NOT BE EMPLOYED

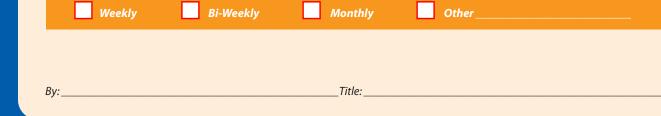
	Minors Age 14/15	Minors Age 16/17/18
Employment Certificate	Class I Certificate	Class II Certificate
(Renewed Annually)	To employ minors age 14/15	To employ minors age 16/17
Work Time Restrictions	During the Months when Public Schools	During the Months when Public
(Minors Under age 19)	are in Session	Schools are in Session
	No more than 3 hours on any school day	Minors 16-17-18 years old, who are
	No more than 8 hours on a non-school day	enrolled in public or private school, may
	No more than 6 days per week	NOT work after 10pm or before 5am on
	No more than 18 hours per week	any night preceding a school day.
	Not before 7am or after 7pm on <b>Any Day of</b>	
	the Week	
	Not during school hours (8am-3pm)	
	During Months when Public Schools are	During Months when Public Schools
	NOT in Session	are NOT in Session
	No more than 8 hours per day	Minors 16 and older do not have an
	No more than 6 days per week	hour restriction during this time.
	No more than 40 hours per week	
	Not before 7am or after 9pm each day	
Breaks	A documented 30 minute break is required	No breaks are required for employees
	for any 14 or 15 year old who is employed	16 and older.
	for more than 5 hours continuously.	
Occupations	See AL §25-8-33 to 35 for a detailed list of	See AL §25-8-43 for a detailed list of
	prohibited occupations	prohibited occupations.
Record Keeping	Each employer must keep on premises an <b>Employee Information Form</b> (available	
	at www.labor.alabama.gov), <b>Proof of Age</b> , and <b>Time Records</b> showing the number	
	of hours worked each day, starting and ending times, and break times for each employee 18 years of age and younger.	
*Children of parents who own their own business are <b>NOT</b> exempt from Alabama Child Labor Law		

#### **Alcoholic Beverages**

Employees must be:

21 to serve alcoholic beverages for consumption on premises (18 if licensee is RVP certified). 16 and older may be employed in such establishments as busboys, janitors, dishwashers, cooks, hostesses, or seaters. 14 and 15 year old minors SHALL NOT work in any establishment that serves alcohol for consumption on premises. (Note: Members of the immediate family of the owner or operator who are 14 or 15 years of age may be employed in such establishments provided they do not serve, sell, dispense, or handle alcohol.)

#### Inspections by the Department of Labor



## WITHHOLDING STATUS

## YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you... Marry or divorce? Gain or lose a dependent? Change your name?

#### Were there major changes to...

 Your nonwage income (interest, dividends, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? • Your tax credits?

#### If you can answer "YES"...

To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

### UNEMPLOYMENT COMPENSATION FRAUD

## **UNEMPLOYMENT COMPENSATION FRAUD IS A CRIME**

Some examples of fraud include:

- Making false statements to obtain unemployment compensation
- Attempting to draw benefits while working
- Continuing to file a claim after returning to work
- Being paid "under the table" while collecting unemployment compensation
- Not being truthful when filing your initial or weekly claims



## **FRAUD PENALTIES ARE SEVERE**

- Up to a Class B Felony
- Fines of up to \$500 AND up to 12 months in jail for each fraudulent week claimed
- Mandatory ineligibility for up to a two year period

However, if you voluntarily leave your employment without good cause connected with your work or if you are discharged for "cause"; your benefits may be postponed and reduced or entirely denied.

**IMPORTANT:** Be sure that your employer is using your correct social security number; if not, your claim may be delayed. When you become unemployed:

To file your unemployment claim, call toll-free 1-866-234-5382 or file by internet at www.labor.alabama.gov.

• To obtain general information concerning your rights to benefits for either total or partial unemployment, call toll free 1-800-361-4524 or write to the Alabama Department of Labor, 649 Monroe Street Montgomery, Alabama 36131, or log on to our website at <u>www.labor.alabama.gov</u>.

## **ALABAMA DEPARTMENT OF LABOR**



requesting additional leave.

or Congress.

your employer must

provides greater family or medical leave rights.

same basis as if you had not taken leave, and

location, at the end of your leave.

cooperating with a WHD investigation.

Where can I find more information?

WHD or file a private lawsuit against

If you believe your rights under

the FMI A have been violated.

you may file a complaint with

your employer in court.

about our WHD

complaint process.

Scan the QR code to learn

You do not have to share a medical diagnosis but must provide enough

Your **employer <u>may</u> request certification** from a health care provider to

verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination

or supersede any state or local law or collective bargaining agreement that

State employees may be subject to certain limitations in pursuit of direct

and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management

What does my employer need to do? If you are eligible for FMLA leave,

• Allow you to take job-protected time off work for a qualifying reason,

• Continue your group health plan coverage while you are on leave on the

• Allow you to return to the same job, or a virtually identical job with the

same pay, benefits and other working conditions, including shift and

Your employer cannot interfere with your FMLA rights or threaten or

punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or

After becoming aware that your need for leave is for a reason that may

are eligible, your employer must notify you in writing:

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

• About your FMLA rights and responsibilities, and

qualify under the FMLA, your **employer** <u>must</u> confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you

• How much of your requested leave, if any, will be FMLA-protected leave.

lawsuits regarding leave for their own serious health conditions. Most federal

qualifies for FMLA protection. You must also inform your employer if FMLA

information to your employer so they can determine whether the leave

leave was previously taken or approved for the same reason when



## **FMLA - FAMILY AND MEDICAL LEAVE ACT**

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Your serious mental or physical health condition that makes you unable to work.

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time.** When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave,** but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

#### Am I eligible to take FMLA leave? You are an eligible employee if all of the following apply:

You work for a covered employer,

You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the

Your employer has at least 50 employees within 75 miles of your work

Airline flight crew employees have different "hours of service" requirements. You work for a **covered employer** if <u>one</u> of the following applies: You work for a private employer that had at least 50 employees during at

You work for an elementary or public or private secondary school, or

agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

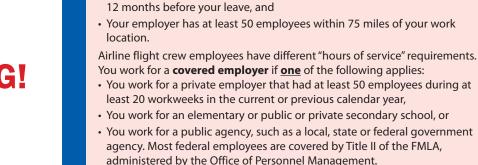
How do I request FMLA leave? Generally, to request FMLA leave you

Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.



WAGE AND HOUR DIVISION WH1420 REV 04/23 UNITED STATES DEPARTMENT OF LABOR

## **OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT**



See your employer for a copy of Form W-4 or

more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the

Now is the time to check your withholding. For

www.irs.gov/individuals on the IRS web site.

call the IRS at 1-800-829-3676.

Withholding Calculator at

IRS

Internal Revenue Service www.irs.gov

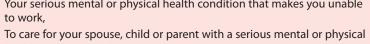
Department of the Treasury

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject. Publication 213

> (Rev. 8-2009) Cat. No. 11047P Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

• The birth, adoption or foster placement of a child with you,

health condition, and



The Department of Labor has the right to enter, without warrant or notice, any business establishment for the purpose of routine inspections. These visits shall be conducted as frequently as needed to ensure that minors are employed in compliance with this act. The department shall enforce this act and may administer fines and/or prosecution for any violation of this act.

This notice is to be posted in a conspicuous place. This notice is for reference only. For full text, consult §25-8-32 to 63. Any difference in state or federal law regarding child labor, the law providing the most protection to the minor takes precedence.

> FOR MORE INFORMATION CONTACT: The Alabama Department of Labor Child Labor Enforcement 649 Monroe Street Montgomery, AL 36131 (334)956-7390 www.labor.alabama.gov child.labor@labor.alabama.gov

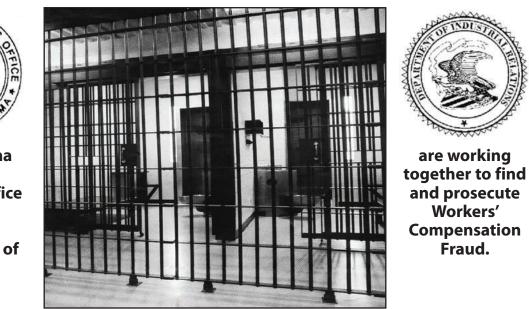


## To report fraud call 800-392-8019

Penalties noted above subject to Section 25-4-145 Code of Alabama (1975)

## WORKERS' COMPENSATION FRAUD NOTICE

## WORKERS' COMPENSATION FRAUD It could be a ticket to jail!



## **Workers' Compensation Fraud is STEALING!**

## WANTED

### INFORMATION LEADING TO THE DISCOVERY AND OR CONVICTION **OF WORKERS' COMPENSATION FRAUD.**

#### Making a false statement to obtain workers' compensation benefits

(Ala. Criminal Code, Section 13A-11-124) is a Class C Felony under Alabama law. Class C Felonies are punishable by imprisonment for as much as 10 years and monetary fines of up to \$15,000.

#### **FIVE TYPES OF WORKERS' COMPENSATION FRAUD**

Agent ~ Employer ~ Employee ~ Medical ~ Legal

#### WORKERS' COMPENSATION FRAUD CAN BE:

- \* Reporting an off the job accident as an on the job accident. \* Reporting an accident that never happened. \* Complaints of accident injury symptoms that are exaggerated or non-existent. \* Malingering - to avoid work when injury is healed. \* Not reporting outside income from other work-related activities while drawing workers' compensation benefits from another employer.
- \* Making false or fraudulent statements for the purpose of obtaining workers'



# **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 workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. 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.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- 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.
- On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHAsupported consultation programs in every state.



## **EMPLOYEE POLYGRAPH PROTECTION ACT**

to lie detector tests.

disclosed to unauthorized persons.

## **EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT**

**The Employee Polygraph Protection Act prohibits most private** The law does not preempt any provision of any State or local law or any **employers from using lie detector tests either for pre-employment** collective bargaining agreement which is more restrictive with respect 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 or job applicants may also bring their own court actions. detector) tests to be administered in the private sector, subject to **THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE** 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.



**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

**ENFORCEMENT** The Secretary of Labor may bring court actions to

restrain violations and assess civil penalties against violators. Employees

## FEDERAL MINIMUM WAGE

## **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

# FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

## employees can readily see it.

hours worked over 40 in a workweek.

in most non-farm jobs and at least 18 to work in non-farm jobs repeated. The law also prohibits retaliating against or discharging declared hazardous by the Secretary of Labor. Youths 14 and 15 workers who file a complaint or participate in any proceeding years old may work outside school hours in various non- under the FLSA. manufacturing, non-mining, non-hazardous jobs with certain work **ADDITIONAL INFORMATION** hours restrictions. Different rules apply in agricultural employment. • Certain occupations and establishments are exempt from the

TIP CREDIT Employers of "tipped employees" who meet certain by their employees. Employers must pay tipped employees 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 • Some state laws provide greater employee protections; employers 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. • Some employers incorrectly classify workers as "independent **PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used • Certain full-time students, student learners, apprentices, and by the employee to express breast milk.

The law requires employers to display this poster where law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may CHILD LABOR An employee must be at least 16 years old to work be doubled when the violations are determined to be willful or

minimum wage, and/or overtime pay provisions. conditions may claim a partial wage credit based on tips received • Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

must comply with both.

contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

workers with disabilities may be paid less than the minimum wage

The Alabama Attorney **General's Office** and the Alabama **Department of** 

ISEC POSTER ·

1 CAT#52405

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Industrial Relations

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