


WEST VIRGINIA & FEDERAL LABOR LAW POSTER

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL



Know Your Rights: Workplace Discrimination is Illegal

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
- Individuals who are seeking or threatening to exercise rights regarding disability discrimination or pregnancy accommodation
- Union members and applicants for membership in a union
- What Organizations are Covered?
- State and local governments (as employers)
- Educational institutions (as employers)
- Most private employers
- Staffing agencies

What Types of Employment Discrimination are Illegal?

Under the EEOC laws, employers may not discriminate against you, regardless of your immigration status, on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Disability
- Genetic information (including employee requests for, purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding

- Interference with or retaliation for exercising rights regarding disability discrimination or pregnancy accommodation

What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, promotion, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Physical condition
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability (pregnancy, childbirth, or related medical condition)
- Observance or practice of sincerely held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees


What Can You Do if You Believe Discrimination has Occurred?

Do not delay, because there are strict time limits for filing a charge of 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)
1-800-669-6802 (TTY)
1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at <https://www.eeoc.gov/fieldoffices>)
E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

Protected Veterans 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 members.

Retaliation Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes a discriminatory practice 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
1-800-367-6271 (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 the OFCCP's Help Desk at <https://askedeeoc.dol.gov/>, or by calling the OFCCP regional or district offices, listed in most telephone directories under U.S. Government, Department of Labor and OFCCP's Contact Us' webpage at <https://www.dol.gov/agencies/eofc/contact>.

PROGRAMS AND ACTIVITIES RECEIVING 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 that receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

(Revised 6/27/2023)

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | 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 attempting to require an employee to take a lie detector test. This prohibition applies to all employers, regardless of the size of the employer, and to all employees, regardless of whether they are full-time, part-time, or temporary. The prohibition applies to all employers, regardless of whether they are public or private, and to all employees, regardless of whether they are full-time, part-time, or temporary. The prohibition applies to all employers, regardless of whether they are public or private, and to all employees, regardless of whether they are full-time, part-time, or temporary.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to the Federal Government or to the States. The law does not apply to the Federal Government or to the States. The law does not apply to the Federal Government or to the States.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYERS AND JOBS APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR
1-866-487-9243
www.dol.gov/agencies/eofc
WHD-REV 04/2023

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

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

OVERTIME PAY At least 1 1/2 times your regular rate of pay for all hours worked over 40 hours in a week.

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 with certain work hour restrictions. Different rules apply in agricultural employment.

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a tip credit against the minimum wage. The tip credit may not exceed \$5.12 per hour. The Secretary of Labor must approve the tip credit. The tip credit may not exceed \$5.12 per hour. The Secretary of Labor must approve the tip credit.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child if the employee has a child under the age of one year. The break time must be unpaid. The break time must be unpaid. The break time must be unpaid.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and child labor violations. The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and child labor violations. The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and child labor violations.

H.B. 4140 MEAL BREAKS

ENROLLED - H.B. 4140

(By Delegate S. Cook) / (Passed March 11, 1994; in effect, ninety days from passage)

AN ACT to amend three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees. Be it enacted by the Legislature of West Virginia: That article three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES

§2130a Meal Breaks.

During the course of a workday of six or more hours, an employer shall make available to its employees, at least one (1) meal break, of at least thirty minutes, reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat while working.

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT

Job Safety and Health "THE LAW!"

U.S. Department of Labor Occupational Safety and Health Administration

All workers have the right to:

- A safe workplace
- Receive information and training on job hazards, including all hazardous substances and the workplace injury and illness log.
- 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.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha-slc.gov

WEST VIRGINIA & FEDERAL LABOR LAW POSTER

WHISTLE-BLOWERS' PROTECTION ACT

NOTICE: WEST VIRGINIA WHISTLE-BLOWER LAW

The West Virginia Whistle-Blower Law protects public employees against discharge, discrimination, or retaliation when they, in good faith, report any instances of

WASTE Substantial abuse, misuse, destruction, or loss of public funds or resources designed to protect the public interest

WRONGDOING Non-technical violations of any statute, regulation, ordinance, or code of ethics

To report any instance of waste or wrongdoing, as defined above, contact the appropriate supervisory personnel in your office or agency, or other appropriate official. Published and distributed by the West Virginia Division of Personnel;

Revised November 2009

WAGE PAYMENT AND COLLECTION ACT

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 laborwv.gov Fax: (304)558-3797

WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code §21-5-9.

§21-5-9 REQUIRES THE EMPLOYER:

Pay employee wages at least twice a month, with no more than 19 days between paydays.

Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with bank convenient to the place of employment for employees to have immediate access to their wages.

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

On separation from employment, pay an employee the fringe benefits due and payable according to the time, terms, and conditions of an employer-employee agreement, whether verbal or written, if any.

Notify employees in writing at the time of the lay-off, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding wage, sick

leave and other fringe benefits, if any.

Provide employees with at least a full pay period's written notice before making any changes to an employee's work rate of at least \$2.62 per hour.

For each employee with a written itemized statement of deductions withheld from his or her wages each pay period.

§21-5-10 PREVENTS THE EMPLOYER FROM:

Selling goods or supplies to employees at prices higher than the retail market value.

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted and state that 75% of the employee's net wages are exempt from assignment.

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.

Revised January 2018

WEST VIRGINIA MINIMUM WAGE

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 laborwv.gov Fax: (304)558-3797

MINIMUM WAGE REQUIREMENTS

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5-C.

Required Minimum Wage Rate

• Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

Required Minimum Training Wage Rate

• An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training wage of at least \$6.40 per hour for the first 90 days of employment.

• Beginning with the 91st day of employment, an employer must pay the employee the required minimum wage rate.

Permissible Minimum Wage Credit for Tipped Employees

• Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour.

• To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.

Revised January 2018

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name)

Shall be as follows:

Weekly Bi-Weekly Monthly Other

By: Title:

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed Form W-4 with your employer did you...

• Gain or lose a dependent?

• Change your name?

• Were there major changes to...

• Your non-wage income (interest, dividends, capital gains, etc.)?

• Your family wage income (you or your spouse started or ended a job)?

• Did you make deductions?

• Your tax credits?

• Can you answer "YES"...

• If you answer "YES" to any of the questions, you may need to file a new Form W-4.

For information, please contact:

The Office of Special Counsel for Information Related Unfair Employment Practices Office at 800-255-7688.

DISCRIMINATION

NOTICE

THE WEST VIRGINIA HUMAN RIGHTS ACT

Prohibits Discrimination in Employment and Places of Public Accommodations Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability

THE WEST VIRGINIA FAIR HOUSING ACT

Prohibits Discrimination in Housing Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability, or Familial Status

THE WEST VIRGINIA PREVENTS WORKERS' FAIRNESS ACT

Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions

For Further Information or to File a Complaint, Visit, Call or Write to the WV Human Rights Commission at:

WM Human Rights Commission
Room 108 A, 1321 Plaza East
Charleston, WV 25301-1400

Phone: 304-558-2616
(Toll Free 888-876-5346)

Website: www.hrc.wv.gov
Revised 06/14/2016

WORKERS' COMPENSATION

NOTICE TO EMPLOYEES

You are entitled to medical benefits and possibly wage replacement benefits in the event of an occupational injury or disease arising out of employment. When a traumatic injury or death occurs on an occupational disease is contracted in the course of your employment, you must notify your employer immediately. Failure to immediately give notice to your employer of the injury shall result in your employer's denial of your claim. You are responsible for filing the application for workers' compensation benefits within six months from the date of the injury. The time limit on occupational pneumoconiosis and asbestosis claims is three years from the date of last exposure to the dust or substance. If you are currently receiving Permanent Total Disability benefits, you are hereby notified that it is your responsibility to inform the Workers' Compensation Commission, P.O. Box 431, Charleston, West Virginia 25322-0431, of your employment. In accordance with Section 23-2-4 of the Workers' Compensation statute, your Permanent Total Disability benefits shall be offset as long as you are employed. It is a criminal offense to file a false claim or to furnish false information in support of a claim.

Bureau of Employment Program - Charleston, West Virginia 25301 WC-E761 - Rev. 6-05

PARENTAL LEAVE ACT

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 laborwv.gov Fax: (304)558-3797

PARENTAL LEAVE ACT - (W. Va. Code §21-5-9, et. seq.)

This legislation, enacted in 1989, covers employees of all departments, divisions, boards, bureaus, agencies, commissions or other units of State Government and County Boards of Education.

Under this law, an employee shall be entitled to a total of 12 weeks of unpaid Parental Leave following the exhaustion of all his or her annual and personal leave, during a 24-month period. The unpaid leave shall be granted to an employee for any of the following reasons:

• The birth of a son or daughter of the employee

• The placement of a son or daughter with the employee for adoption

• To care for the employee's son or daughter, spouse, parent, or dependent who has a serious health condition

The statute further states that in the case of a serious health condition, the leave may be taken intermittently when medically necessary.

If a leave of absence due to the birth or adoption of a child is foreseeable, the employee shall provide the employer with a two weeks written notice. If a leave of absence is foreseeable due to planned medical treatment or medical supervision, the employee shall make a reasonable effort to schedule the leave of absence so as not to disrupt the operations of the employer, subject to the approval of the health care provider.

If an employee requests Parental Leave to care for a family member with a serious health condition, the employer may require the employee to provide certification by a health care provider that the employee's health condition and that the employee's assistance is necessary. The certification shall be sufficient if it contains the following:

• That the child, dependent, parent, or employee has a serious health condition

• The medical facts regarding the serious health condition, upon release by the patient

The position held by an employee immediately before the leave of absence shall be held and the employee shall be returned to that position upon his or her return to work. However, the employer may hire a temporary employee to fill the position for the period of time the employee is off work.

No employer may, because an employee received Parental Leave, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

Revised January 2018

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

YOUR RIGHTS UNDER USERRA

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

If you leave your job to be employed 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 service; and

• 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.

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 at <https://www.dol.gov/agencies/eofc/vets>, or by calling 1-800-321-OSHA (6742) or 1-877-889-5627.

USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

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 do not 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/eofc/vets/>. An interactive online version of this notice is available at <https://webapps.dol.gov/eofc/vets/vetserra>.

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.



1-800-743-9870 • Product ID: WV-50
Compliance Code: WV-0723-F04 • Check Compliance By Scanning Here



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 employers.

• FMLA 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

• A serious mental or physical health condition that makes you unable to work

• A serious mental or physical health condition of a child or with a spouse, child, or parent

• Certain documented reasons relating to the foreign deployment of your spouse, child, or parent who is a military servicemember

• If you are the spouse, child, 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

• If you have a covered employee in the military, you may take FMLA leave in one block of time, or in intermittent blocks of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, on a reduced schedule (by working less hours each day or week), Rest

Fact Sheet #288(f) 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 your FMLA leave.

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

• You have worked for the employer for at least 12 months

• You have worked for your employer at least 1250 hours during the 12 months before you leave, and

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

Airline flight crew employees have different "work site" requirements.

You work for an elementary or public or private educational institution.

You work for a private employer that had at least 50 employees during at least 20 weeks in the current or previous calendar year.

You work for an elementary or public or private educational institution, or

You work for a public agency, such as a local, state or federal government agency. Most federal government employees are covered by FMLA, but not all.