

FED 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 1½ times the 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 in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work restrictions. Different rules apply in agricultural employment.

TIP CREDIT

Employers of "tipped" employees who meet certain conditions may claim a partial wage credit based on tips received 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 employer'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.

PUMP AND WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her 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 by the employee to express breast milk.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions. Certain non-union exemptions apply to the pump and work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Government of Puerto Rico.
- Some states provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" and avoid their obligations 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.
- Certain full-time students, student nurses, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

FED 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.

EXEMPTIONS

Federal and state 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 certain security-related activities.

ENFORCEMENT

The Secretary of Labor may bring court action to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own lawsuits.

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

1-866-487-9243
www.dol.gov/agencies/whd

FED 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 services.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

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.

U.S. Department of Labor • 1-866-487-2365 • U.S. Department of Justice • Office of Special Counsel
Employer Support of the Guard and Reserve • 1-800-336-4590

MA WAGE AND HOUR DIVISION

1-866-487-9243
www.dol.gov/agencies/whd

MA Fair Employment in Massachusetts

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

RACE, COLOR, RELIGION, DISABILITY, NATIONAL ORIGIN, AGE, SEX, PREGNANCY AND PREGNANCY-RELATED CONDITIONS, GENETIC IDENTIFICATION, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY SERVICE

FED 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.

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.
- Your serious or mental physical health condition that makes you unable to work.
- Care for a spouse, child or parent with a serious mental or physical health condition.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

MA Wage and Hour Laws

Office of Massachusetts Attorney General Maura Healey

State law requires all employers to post this notice at the workplace in a location where it can easily be read.

Effective Date	Minimum Wage	Service Charge
January 1, 2017	\$11.00	\$3.75
January 1, 2019	\$12.00	\$4.35
January 1, 2020	\$12.75	\$4.95
January 1, 2021	\$13.50	\$5.55
January 1, 2022	\$14.25	\$6.15
January 1, 2023	\$15.00	\$6.75

MA Information on Employers' Unemployment Insurance Coverage

Employers have the right to sue an employee for willful misstatements of wage and hour laws. Employees may sue an individual or a group of employees if they have suffered a loss of wages or benefits due to an employer's failure to pay unemployment benefits.

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MA THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

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MA Notice of Employees

Employers must post this notice in a location where it can easily be read. This notice provides information about the FMLA, including the types of leave that are covered, the requirements for eligibility, and the process for requesting leave.

1-866-487-9243
www.mass.gov/whd

FED U.S. Equal Employment Opportunity Commission 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.

What Types of Employment Discrimination are Illegal? Race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information (including employee requests for, or 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.

MA 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:

SEXUAL HARASSMENT OFFICER
One Assabetz Place, Room 601, Boston, MA 02108
617-994-6000
617-994-6196 TTY

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

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FED Job Safety and Health IT'S THE LAW!

All employers 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 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.

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

MA Earned Sick Time Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave for work.

WHO QUALIFIES? All employees in Massachusetts can earn sick time. This includes full-time, part-time, temporary, and seasonal employees.

HOW IS IT EARNED? Employees earn 1 hour of sick time for every 30 hours they work.

WILL BE PAID? If an employer has 11 or more employees, sick time must be paid.

WHEN CAN IT BE USED? An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence.

MA Commission Against Discrimination Parental Leave

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, § 27B, which is referred to as 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 caring for a child or 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 to include non-parents.

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 reimburse 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 it takes longer than 8 weeks unless the employee waives the benefit. The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the employer, but which is not greater than 90 days.

The law provides that if two employees of the same employer give birth to or adopt a 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 employer'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.

FED What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Recruiting, hiring or lay-off
- Assignment (including unavailability or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition, or a sincerely held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Retaliation
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees

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MA Notice of Benefits Available Under M.G.L. Chapter 175M Paid Family and Medical Leave (PFML)

Available Leave Covered individuals may be entitled to family and medical leave for the following reasons:

- Up to 30 workdays of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work.
- Up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, or care for a family member with a serious health condition, or because of a qualifying exigency arising out of the fact that a family member is on an extended military deployment.
- Up to 26 weeks of paid family leave in a benefit year to care for a covered individual who is a covered serious member with a serious health condition.

Who is Covered Under the Law? Generally, a worker qualifies as a covered individual eligible for PFML benefits if they are:

- covered by unemployment insurance in Massachusetts and paid wages by a Massachusetts employer;
- a self-employed individual who resides and works in Massachusetts and chooses to opt in to the program; and
- not currently on a leave of absence.

FED Job Safety and Health IT'S THE LAW!

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- 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 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.
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