

# FEDERAL LABOR LAWS

## EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE \$7.25 PER HOUR

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

**CHILD LABOR**  
An employee must be at least 14 years old to work in most non-hazardous jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth 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.

**WAGE AND HOUR DIVISION**  
Employees of "aged employees" who meet certain conditions may claim a partial wage credit based on pay received by their parents. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a wage credit against their minimum wage obligation. If an employee is combined with the employer's cash wage of at least \$2.13 per hour to not equal the minimum wage, the employer must make up the difference.

**WORKING CONDITIONS**  
The FLSA requires employers to provide reasonable break for a nursing mother who is subject to the FLSA overtime requirements in order for the employer to express breast milk for her nursing child in one year. The child's birth each time each employee has to express breast milk. Employees are also required to 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.

**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd • REV 07/10

## 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 interns 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 (see employees)  
• Educational institutions (see employees)  
• Unions  
• Staffing agencies

**What Types of Employment Discrimination are Illegal?**  
Discrimination against you, regardless of your immigration status, on the basis of:

- Race
- Religion
- Color
- National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, purchase, use, or disclosure of family medical history, genetic testing, or family medical history)
- Information for filing a charge, participating in a discrimination lawsuit, investigation, or proceeding.

**What Employment Practices can be Challenged as Discriminatory?**  
All aspects of employment, including:  
• Hiring, firing, or lay-off  
• Recruitment (including advertisements or physical contact)  
• Pay and promotion  
• Assignment  
• Pay (incentive wages or compensation)  
• Failure to provide reasonable accommodation (disability or 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  
• Contact that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

**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 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 public portal: <https://eocportal.eeoc.gov>  
Call: 1-800-669-4000 (toll free) 1-800-669-4020 (TDD) 1-800-234-5124 (ASL, video phone)  
Visit the EEOC public portal information at [www.eeoc.gov/eeoc](http://www.eeoc.gov/eeoc)  
E-Mail: [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).

## 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 requesting an employer 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 law.

**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 testing 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, distributors and dispensers.

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

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

**EXAMINEE RIGHTS**  
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

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

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

**WHD** WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd • REV 07/10

## EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**LEAVE ENTITLEMENTS**  
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:  
• The birth of a child or placement of a child for adoption or foster care;  
• To bond with a child leave must be taken within one year of the child's birth or placement;  
• To care for the employee's spouse, child, or parent who has a qualifying serious health condition;  
• For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;  
• For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, as an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**BENEFITS & PROTECTIONS**  
While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, providing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

**ELIGIBILITY REQUIREMENTS**  
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:  
• Have worked for the employer for at least 12 months;  
• Have at least 1,250 hours of service in the 12 months before taking leave; and  
• Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

"Special" hours of service requirements apply to airline flight crew employees.

**REQUESTING LEAVE**  
Generally, employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30-day notice, an employer must notify the employee as soon as possible. Generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide sufficient information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employees can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

**EMPLOYER RESPONSIBILITIES**  
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**ENFORCEMENT**  
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:  
1-866-4-USWAGE  
(1-866-487-9243) • TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd) **WHD**  
U.S. Department of Labor • Wage and Hour Division REV 04/16

## 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 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 obtained 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  
• An employer served in the uniformed service;  
then an employer may not deny you:  
• Initial employment; • reemployment; • promotion in employment;  
• promotion; or • any benefit or employment opportunity of the status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA, 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 this address:

<https://www.dol.gov/general/whd/programs/userraposter>  
Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

**U.S. Department of Labor** **U.S. Department of Justice** **Office of Special Counsel**  
1-866-487-2365 1-800-336-4390  
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## OSHA Occupational Safety and Health Administration

IT'S THE LAW!

**All workers have the right to:**

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request 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 by 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.

**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 OSHA-supported consultation programs in every state.



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

## FEDERAL LABOR LAWS

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