

LABOR LAWS

Since 1953

FEDERAL



EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT ENFORCEMENT

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT

Minimum Wage Law

OF LABOR

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

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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 hours 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 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.

PUMP AT WORK

DEPARTMENT OF LABOR

UNITED STATES OF

AMERICA

ΤX

Overview

Minimum Wage Act.

The Texas Minimum Wage Act

requirements

Current Minimum Wage

workers

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 ntrusion from coworkers and the public, which may be used by the employee to express breast milk.

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations

are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA. **ADDITIONAL INFORMATION**

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as

"independent 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. 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

1-866-487-9243

www.dol.gov/agencies/whd

An individual has two years from the date wages were due to file

a lawsuit to recover the unpaid wages plus an additional equal

amount as liquidated damages. The employer can be assessed

Employers must provide employees a written earnings statement

with information on that enables employees to determine from

a single document whether they have been paid correctly for a

The primary exemption from the Texas Minimum Wage Act is

for any person covered by the federal Fair Labor Standards Act

Professionals, salespersons or public official

Amusement and recreational establishments

Non-agricultural employers not liable for state

The Commissioner of Agriculture establishes piece rates for

quantities in Texas, if sufficient productivity information is

available. The piece rates are intended to guarantee at least

while allowing harvesters to earn more by producing more.

minimum wage for harvesters of average ability and diligence

agricultural commodities commercially produced in substantial

Employment in, of or by religious, educational, charitable

reasonable attorney's fees and court costs.

Earnings Statement

Other specific exemptions include:

Domestics

Family members

Sheltered workshops

Agricultural Piece Rates

Last Verified : July 14, 2022

Inmates

or nonprofit organizations

Certain youths and students

unemployment contributions

Dairying and production of livestock

given pay period.

Exemptions

(FLSA)

WH1088

REV. 04/2023

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

PROHIBITIONS

DEPARTMENT

UNITED STATES

OF AMERICA

OF LABOR

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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 (armored

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.

WH1462

REV. 02/2022

car, alarm, and guard), and of pharmaceutical manufacturers,

The Act also permits polygraph testing, subject to restrictions, of

certain employees of private firms who are reasonably suspected

The law does not preempt any provision of any State or local law

or any collective bargaining agreement which is more restrictive

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

Where polygraph tests are permitted, they are subject to

of involvement in a workplace incident (theft, embezzlement,

etc.) that resulted in economic loss to the employer.

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

distributors and dispensers

with respect to lie detector tests.

EXAMINEE RIGHTS

to unauthorized persons.



LABOR



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 mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- 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 informatio

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 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.
- Airline flight crew employees have different "hours of service" requirements.
- You work for a covered employer if one of the following applies:
- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government 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 must Follow your employer's normal policies for requesting leave,
 - Give notice at least 30 days before your need for FMLA leave, o

If advance notice is not possible, give notice as soon as possible

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.

National Origin

aspects of employment.

Disability

Retaliation

Who is Protected?

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

What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of Race

- Color

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- Religion National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer 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
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

What Organizations are Covered?

- Most private employers
- State and local governments (as employers) Educational institutions (as employers)
- Unions
- Staffing agencies

What Employment Practices can be Challenged as Discriminatory?

- All aspects of employment, including:
- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal 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
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

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:

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,

Executive Order 11246, as amended, prohibits employment discrimination by Federal

national origin, and requires affirmative action to ensure equality of opportunity in all

contractors based on race, color, religion, sex, sexual orientation, gender identity, or

Executive Order 11246, as amended, protects applicants and employees of Federal

contractors from discrimination based on inquiring about, disclosing, or discussing

individuals with disabilities from discrimination in hiring, promotion, discharge, pay,

fringe benefits, job training, classification, referral, and other aspects of employment

accommodation to the known physical or mental limitations of an otherwise qualified

action to employ and advance in employment qualified individuals with disabilities at

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 is prohibited against a person who files a complaint of discrimination,

action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)

participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal

Any person who believes a contractor has violated its nondiscrimination or affirmative

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access

calling an OFCCP regional or district office, listed in most telephone directories under

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL

FINANCIAL ASSISTANCE

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

U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at

individual with a disability who is an applicant or employee, barring undue hardship

to the employer. Section 503 also requires that Federal contractors take affirmative

by Federal contractors. Disability discrimination includes not making reasonable

their compensation or the compensation of other applicants or employees.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

Asking About, Disclosing, or Discussing Pay

all levels of employment, including the executive level.

Protected Veteran Status

contractors under these Federal laws.

https://www.dol.gov/agencies/ofccp/contact.

Race, Color, National Origin, Sex

U.S. Department of Labor

Washington, D.C. 20210

1-800-397-6251 (toll-free)

200 Constitution Avenue, N.W.

Texas adopts the federal minimum wage rate. Effective July 24, 2009, the federal minimum wage is \$7.25 per hour. The Texas Minimum Wage Act does not prohibit employees from . bargaining collectively with their employers for a higher wage.

TWC provides information to employers and employees about

Establishes a minimum wage for non-exempt employees

Requires covered employers to provide each employee

with a written earnings statement containing certain

disseminating information about state minimum wage

Contains provisions concerning agricultural piece rate

Exempts a variety of employers from its coverage

their respective rights, duties and remedies under the Texas

information about the employee's pay

Provides civil remedies for its violation

Designates TWC as the agency responsible for

With specified restrictions, employers may count tips and the value of meals and lodging toward minimum wage. An employer does not need to pay an employee who lives on

the business premises for on-call time in addition to assigned working hours. Under certain conditions, an employer may pay a sub-minimum

vage to an employee who is a patient or client of the Texas Department of Mental Health and Mental Retardation, or to other individuals due to age (see the law for details), or to productivity impairments

Nage Rate Complaints & Deadline Individuals who believe they have been paid at a rate lower than

the law requires may choose to take legal action.

NOTICE: This state has its own minimum waae law. Employers are also reauired to display the federal Employee Rights Under the Fair Labor indards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of abor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

TX

Texas Workforce Commission Wage and Hour Department, Child Labor Enforcement U.S. Department of Labor Wage and Hour Division

Child Labor Laws

For further information about Texas' child labor laws, call:

800-832-9243 (TDD 800-735-2989)

his poster provides some guidelines to the Texas child labor aws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Wage and Hour Department concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 866-487-9243

The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (*) nave provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or studentlearner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations: (1) in or about plants or establishments other than retail

establishments which manufacture or store explosives or articles containing explosive components other than retail establishments

(2) involving the driving of motor vehicles and outside helpers A. on any public road or highway

B. in or about any place where logging or sawmill operations are in progress, or

C. in excavations.

(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law,

(3) connected with coal mining, (4) in logging and sawmill occupations and occupations

involving firefighting and timber tracts, (5) *in operating or assisting to operate power-driven

woodworking machines, (6) involving exposure to radioactive substances and to ionizing

radiations. (7) in operating or assist to operate power-driven hoisting

apparatus such as elevators, cranes, derricks, hoists, high-lif trucks, (8) * in operating or assisting to operate power-driven metal

ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or water amusement park),

(9) public messenger jobs, (10) communications and public utilities jobs, (11) construction including demolition and repair, work performed in or about boiler or engine rooms or in connection

with the maintenance or repair of the establishment, machines, or equipment,

(12) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitute

(13) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil

(14) baking and all activities involved in baking, (15) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and

grinders, food choppers and cutters, and bakery-type mixers, (16) freezers or meat coolers work, except minors may occasionally enter a freezer for a short period of time to retrieve items

(17) meat processing and work in areas where meat is processed (18) loading and unloading goods to and from trucks, railroad cars or conveyors, and

(19) all occupations in warehouses and storage except office and clerical work.

Work times for 14- and 15-year-old children:

State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work: (1) more than 8 hours in one day or more than 48 hours in one

(2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school, or (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school. Federal Law — The FLSA further regulates hours of employment. 14 and 15 year old children may not work: (1) during school hours, (2) more than eight hours on a non-school day or 40 hours during a non-school week, (3) more than three hours on a school day or 18 hours during a

school week, and (4) between 7 p.m. and 7 a.m. during the school year, or between 9 p.m. and 7 a.m. from June 1 and Labor Day.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same eason when requesting additional leave Your **employer may 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 provides greater family or medical leave rights State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health

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

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

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 same basis as if you had not taken leave, and

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 location. at the end of your leave

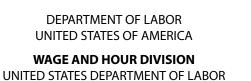
Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigatior

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: About your FMLA rights and responsibilities, and

- How much of your requested leave, if any, will be FMLA-protected leave. Where can I find more information?

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

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer court. Scan the QR code to learn about our WHD complaint proces



WH1420

SCAN ME

Workforce Commission Attention Employees

Your employer reports your wages to the Texas Workforce Commission. If you become unemployed or your work hours are reduced, you may be eligible for unemployment benefit payments. File online at www.twc.texas.gov or call 1-800-939-6631. Additional assistance may be available at your local Workforce Solutions Office; please visit the directory at:

www.twc.texas.gov/directory-workforce-solutions-offices-services Unemployment Insurance (UI) benefits are available to workers who are unemployed and who meet the requirements of state UI

eligibility laws

To file, you will need to provide your full legal name and your social security number or your authorization to work.

The Texas Payday Law, Title II, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least twice a month and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY: WEEKLY:

OTHER

TX

TX

TX

TO EMPLOYERS: Texas Labor Code section 208.001(b) and 40 T.A.C. 815.1(14)(A) & (B) require that this notice, or its equivalent, be displayed in a location reasonably calculated to be encountered by all employees, and that an employer provide such information, individually, to an employee upon separation from employment.

SEMI-MONTHLY:

To report suspected fraud, waste or abuse of the program call 800-252-3642. Y-10C(0420)

NOTICE TO EMPLOYEES CONCERNING WORKERS COMPENSATION IN TEXAS

COVERAGE: [Name of employer]

has workers' compensation insurance coverage from [name of commercial insurance company]

in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy]

an inquiry through the EEOC's public portal: Submit 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

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.

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.

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

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 financial assistance, you should immediately contact the Federal agency providing such assistance.

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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.

ENFORCEMENT

representation.

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

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:

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- are a past or present member are obligated to serve in the uniformed service; of the uniformed service;
- have applied for membership

in the uniformed service; or then an employer may not deny you:

- initial employment; promotion; or
- any benefit of employment reemployment;
- retention in 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

complaints of USERRA violations.

- 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.

The U.S. Department of Labor, Veterans Employment and

For assistance in filing a complaint, or for any other

https://webapps.dol.gov/elaws/vets/userra.

against an employer for violations of USERRA.

circumstances. The text of this notice was prepared by

VETS, and may be viewed on the internet at this address:

The rights listed here may vary depending on the

Training Service (VETS) is authorized to investigate and resolve

information on USERRA, contact VETS at 1-866-4-USA-DOL

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

You may also bypass the VETS process and bring a civil action

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

USERRA, and employers may meet this requirement by displaying the

text of this notice where they customarily place notices for employees.

law requires employers to notify employees of their rights under

or visit its website at https://www.dol.gov/agencies/vets/.

An interactive online USERRA Advisor can be viewed at

(9) in connection with mining, other than coal, (10) * in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,

(11) in operating or assisting to operate power-driven bakery machines

(12) * involved in the operation of power-driven paper-products machines, balers and compactors

(13) in manufacturing brick, tile, and kindred products (14) * in operating or assisting to operate power-driven circular saws, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood-chippers, (15) in wrecking, demolition, and ship-breaking operations,

(16) * in roofing operations and on or about a roof, and (17) * in connection with excavation operations

Additional prohibited occupations that apply under state law:

(1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements

(2) Occupations in sexually oriented businesses by a child under 21 years of age.

Additional prohibited occupations that apply only to 14- and 15-year-old children:

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include: (1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured. mined, or otherwise processed.

(2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines, (3) work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides. (4) driving a motor vehicle or helping a driver, (5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means,

(6) youth peddling, sign waving, or door-to-door sales, (7) poultry catching or cooping. (8) lifeguarding at a natural environment such as a lake, river,

ΤX

Child Actors- state law

Child actor definition — a child under the age of 14 who is to be employed as an actor or other performer Child actor extra definition — a child under the age of 14 who is employed as an extra without any speaking, singing, or dancing

roles, usually in the background of the performance Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texa Workforce Commission

Special authorization for child actors to be employed as extras i granted without the need for filing an application if the employ meets the Texas Workforce Commission's requirements. Contact 1-800-832-9243 for instructio

PENALTIES:

State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of

children. Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/ or criminal prosecution and fines.

101 E. 15th Street • Austin, Texas 78778-0001 (512) 463-2222 RELAY TEXAS: 800-735-2989 (TDD) 800-735-2988 (VOICE) www.texasworkforce.org Equal Opportunity Employer/Services WHCL - 70 REV. 09/2022

NOTICE TO EMPLOYEES CONCERNING ASSISTANCE **AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM** FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432.

More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

What Is An Ombudsman? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation.

Once a proceeding is scheduled an Ombudsman can:

Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);

Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company]

An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.

Notice 6 • TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION • Rule 110.101(e)(1)

EQUAL EMPLOYMENT OPPORTUNITY IS ... IGUALIDAD DE OPORTUNIDADES EN EL EMPLEO ES ...

	100/1							
	The Law in Texas			La Ley en Texas				
	The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in				La ley prohíbe a los empleadores, agencias de empleo y sindicatos de negar la igualidad de oportunidades de empleo en			
•	hiring promotion	•	fringe benefits membership	•	ocupar ascensos	•	membrecia entrenamiento	
i.	discharge	•	training	•	desocupar	•	otros aspectos del	
·	рау	•	other aspects of employment	•	pago beneficios		empleo	
	cause of race, color, nati sability.	ional origin,	religion, sex, age, or	•	causa de raza, color, na apacidad.	acionalidad,	religion, sexo, edad, o	
Ste	The Sex Protected Class includes Sexual Harassment, Gender Stereotyping, Pregnancy Discrimination, Gender Identity, and Sexual Orientation.				La clase protegida por sexo incluye acoso sexual, estereotipos de género, discriminación por embarazo, identidad de género y orientación sexual.			
		lfy	ou believe you have been Texas Workforce Comm		J	the		



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 OSHA-supported consultation programs in every state.



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



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