Brought to you by your



YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT

AND REEMPLOYMENT RIGHTS ACT

discriminating against past and present members of the uniformed services, and applicants to the uniformed services

You have the right to be reemployed in your civilian job if you leave that 💢 🛱 If you leave your job to perform military service, you have the right

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

employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and

U.S. Department of Justice Office of Special Counsel

☆ Even if you don't elect to continue coverage during your military

service, you have the right to be reinstated in your employer's

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

Service (VETS) is authorized to investigate and resolve complaints of

For assistance in filing a complaint, or for any other information on

USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at

https://www.dol.gov/agencies/vets/. An interactive online USERRA

Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra

☆ If you file a complaint with VETS and VETS is unable to resolve it, you

the Office of Special Counsel, as applicable, for representation.

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

may request that your case be referred to the Department of Justice or

1-800-336-4590

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for service-connected illnesses or injuries.

an employer for violations of USERRA.

health plan when you are reemployed, generally without any waiting

periods or exclusions (e.g., pre-existing condition exclusions) except

iob to perform service in the uniformed service and:

services while with that particular employer;

military service or, in some cases, a comparable job.

are obligated to serve in the uniformed service;

then an employer may not deny you:

initial employment;

retention in employment;

any benefit of employment

person has no service connection.

reemployment;

romotion; or

because of this status.

after conclusion of service; and

notice of your service;

you ensure that your employer receives advance written or verbal

you have five years or less of cumulative service in the uniformed

you return to work or apply for reemployment in a timely manner

you have not been separated from service with a disqualifying

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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

discharge or under other than honorable conditions.

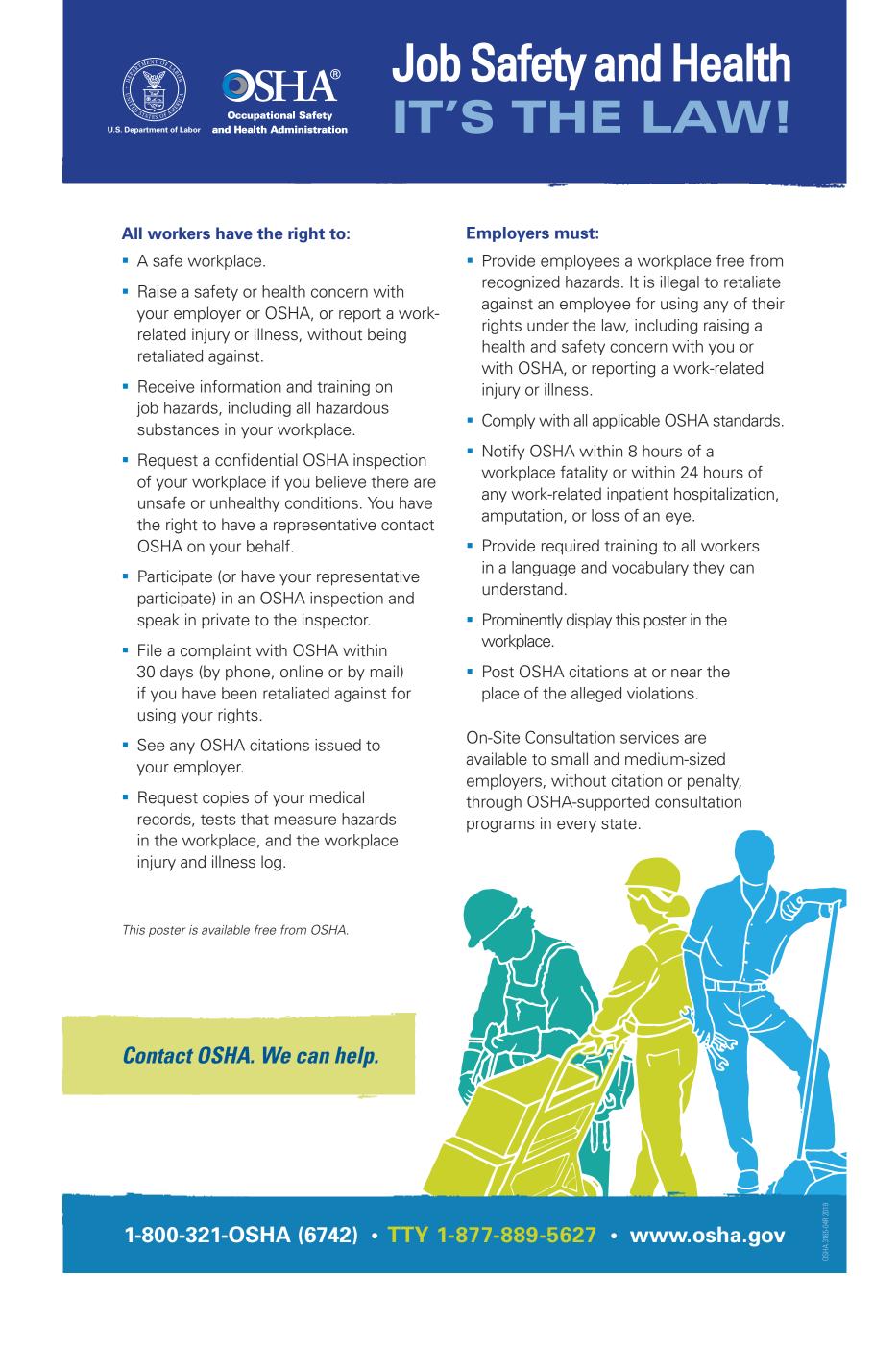
are a past or present member of the uniformed service;

have applied for membership in the uniformed service; or

In addition, an employer may not retaliate against anyone assisting in

statement in connection with a proceeding under USERRA, even if that

the enforcement of USERRA rights, including testifying or making a



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.

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.

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 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.

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.







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

• The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you

in a 12-month period for:

• 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

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

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

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

Airline flight crew employees have different "hours of service"

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, or • If advance notice is not possible, give notice as soon as possible.

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 reason when requesting additional leave.

Your **employer** may request certification from a health care provide to verify medical leave and may request certification of a qualifying

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

What does my

Management or Congress.

employer need to do?

law but are subject to the jurisdiction of the U.S. Office of Personnel

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 investigation.

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

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 in court. Scan the QR code to learn about our WHD complaint process.





WH1420 REV 04/23

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

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

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 ma certain work hours restrictions. Different rules apply in agricultural employment.

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.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express

preast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

n 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

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern

· Certain occupations and establishments are exempt from the minimum wage, and/or overtime

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

paid less than the minimum wage under special certificates issued by the Department of Labor.

• Certain full-time students, student learners, apprentices, and workers with disabilities may be

pay protections and correctly classified independent contractors are not.







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?

for, or purchase, use, or

Call 1–800–669–4000 (toll free)

1-800-669-6820 (TTY)

1–844–234–5122 (ASL video phone)

 Employees (current and Union members and former), including managers applicants for membership

and temporary employees Job applicants

What Types of Employment Discrimination are Illegal?

you, regardless of your immigration status, on the bases of: disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a National origin charge, reasonably Sex (including pregnancy, opposing discrimination,

childbirth, and related medical or participating in a conditions, sexual orientation, discrimination lawsuit, or gender identity) investigation, or proceeding Age (40 and older) • Interference, coercion, or Disability threats related to exercising rights regarding disability Genetic information (including employer requests discrimination or pregnancy

What Employment Practices can be Challenged as Discriminatory? Under the EEOC's laws, an employer may not discriminate against All aspects of employment, including:

Educational institutions

Staffing agencies

What Organizations are Covered?

• State and local governments (as employers)

Most private employers

 Discharge, firing, or lay-off
Obtaining or disclosing genetic information of Harassment (including employees unwelcome verbal or physical conduct) Requesting or disclosing medical information of employees Hiring or promotion Conduct that might reasonably Assignment discourage someone from Pay (unequal wages or opposing discrimination, filing

compensation) a charge, or participating in an Failure to provide investigation or proceeding reasonable accommodation Conduct that coerces, for a disability; pregnancy, intimidates, threatens, or childbirth, or related medical interferes with someone condition; or a sincerely-held exercising their rights, or religious belief, observance someone assisting or or practice encouraging someone else Benefits to exercise rights, regarding Job training disability discrimination

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

Classification

Referral

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: Visit an EEOC field office (information at www.eeoc.gov/field-office https://publicportal.eeoc.gov/Portal/Login.aspx

accommodation

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

(including accommodation)

or pregnancy accommodation

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

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

Race, Color, Religion, Sex, Sexual Orientation,

Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay inquiring about, disclosing, or discussing their compensation or U.S. Department of Labor the compensation of other applicants or employees.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified 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 action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

Protected Veteran Status

he 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, participates in an OFCCP proceeding, or

OFCCP's authorities should contact immediately:

otherwise opposes discrimination by Federal contractors Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under

employees of Federal contractors from discrimination based on The Office of Federal Contract Compliance Programs (OFCCP) 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk training, classification, referral, and other aspects of employment at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972

educational programs or activities which receive Federal

Race, Color, National Origin, Sex

financial assistance.

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. prohibits employment discrimination on the basis of sex in

Individuals with Disabilities

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

(Revised 6/27/2023)

1-866-487-9243