

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 1.5 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 to work in non-farm jobs declared hazardous by the Secretary of Labor. No child 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 to 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 may 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 tips combined with the employer's cash wage, the total must not equal the minimum hourly wage; the employer must make up the difference.

NURSING MOTHERS
The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employer to express breast milk for her nursing child one year after the child's birth each time such employee has a need to express breast milk. Employers are required to provide a place, either 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.

ENFORCEMENT
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 file enforcement criminal prosecution. Employers may be assessed civil money penalties for willful or repeated violations 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. Highest civil money penalties may be assessed for each child labor violation that results in the death or serious injury of a minor employee, and such assessments may be doubled when the violation is determined to be willful or repeated. The law also prohibits retaliating against employees 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.
- Special provisions apply to workers in American Samoa, the Commonwealth of Puerto Rico, and the Northern Mariana Islands, and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees are exempt from the "independent contractor" 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.

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

FED EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

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 prevent any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to the detector tests.

EXAMINER RIGHTS
Where polygraph tests are permitted, they are subject to numerous strict conditions concerning the conduct and length of the test. Examiners 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, child, or parent.

ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violators 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 EMPLOYERS AND JOB APPLICANTS CAN READILY SEE IT.

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FED EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

The United States Department of Labor Wage and Hour Division

REQUESTING LEAVE
Generally, employees must give 30-day advance notice of the need for FMLA leave. If it is possible to give 30-day notice, an employer must notify the employee as soon as possible, and generally, follow the employer's usual procedures.

Employers do not have to have a medical diagnosis, but must provide enough 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's or his or her spouse is 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.

Employers may 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 notice of 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 otherwise any state or local law of collective bargaining agreement that provides greater family or medical leave rights.

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NY Department of Labor WE ARE YOUR DOL NEW YORK DEPARTMENT OF LABOR

Attention Miscellaneous Industry Employees

Minimum Wage hourly rates effective 12/31/2011 - 12/30/2012

New York City		Remainder of New York State	
Large Employers (11 or more employees)	Small Employers (10 or less employees)	Minimum Wage	Overtime
Minimum Wage	\$15.00	Minimum Wage	\$12.50
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50
Tipped workers	\$15.00	Tipped workers	\$15.00
Overtime after 40 hours	\$22.50	Overtime after 40 hours	\$22.50

Long Island and Westchester County

Minimum Wage	Overtime after 40 hours	Tipped workers	Overtime after 40 hours
\$15.00	\$22.50	\$15.00	\$22.50

If you have questions, need more information or wish to file a complaint, please visit www.labor.ny.gov/minwage or call 1-888-469-7365.

NY Department of Labor, Division of Labor Standards, Worker Protection

Summary of New York State Child Labor Law Permitted Working Hours for Minors Under 18 Years of Age

Age of Minor	Industry or Occupation	Maximum			Permitted Hours	
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Farm Work:	12 and 13	Hand harvest of berries, fruits and vegetables.	4 hours			June 21 to Labor Day 7 AM to 7 PM, Day after Labor Day to June 20, 9 AM to 4 PM.
Newspaper Carriers:	11 to 18	Delivers, or sells and delivers newspapers, shopping papers or periodicals to homes or business places.	4 hours on school days, 8 hours on other days			5 AM to 7 PM or 10 minutes prior to sunset, whichever is later.
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Additional Child Labor Information

The Employer must post a schedule of work hours for minors under 18 years old in the establishment. An Employer Certificate (Working Paper) is required for all employed minors under 18 years old.

Penalties for Child Labor Law violations:

- First violation: maximum \$1,200*
- Second violation: maximum \$2,000*
- Third or more violations: maximum \$3,000*

*If a minor is seriously injured or dies while illegally employed, the penalty is three times the maximum penalty.

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FED YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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HEALTH INSURANCE PROTECTION

- You have your job to perform military service, you have the right to elect to continue your employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
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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, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

- Be a past or present member of the uniformed services.
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