EMPLOYEE RIGHTS **UNDER THE FAMILY AND MEDICAL LEAVE ACT**

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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

U.S. Department of Labor | Wage and Hour Division

Eligible employees who work for a covered employer can take up to 12 Employees may choose, or an employer may require, use of accrued weeks of unpaid, job-protected leave in a 12-month period for the The birth of a child or placement of a child for adoption or foster To bond with a child (leave must be taken within 1 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

An eligible employee who is a covered servicemember's spouse, child

single 12-month period to care for the servicemember with a serious

An employee does not need to use leave in one block. When it is

parent, or next of kin may also take up to 26 weeks of FMLA leave in a

nedically necessary or otherwise permitted, employees may take leave

paid leave while taking FMLA leave. If an employee substitutes accrued naid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. While employees are on FMLA leave, employers must continue health

Upon return from FMLA leave, most 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, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. 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

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

reason for ineligibility. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave $\ \, \text{qualifies for FMLA protection. Sufficient information could include} \\$ informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perfo 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 can require a certification or periodic recertification

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FML Employees may file a complaint with the U.S. Department of Labor Wage and Hour Division, or may bring a private lawsuit against an discrimination or supersede any state or local law or collective

Once an employer becomes aware that an employee's need for leave is

the employee if he or she is eligible for FMLA leave and, if eligible.

FMLA. If the employee is not eligible, the employer must provide a

or a reason that may qualify under the FMLA, the employer must notify

EMPLOYER RESPONSIBILITIES

bargaining agreement that provides greater family or medical leave supporting the need for leave. If the employer determines that the

WH1420 REV 04/16

Ref.: 29 USC, Ch. 28, Sec. 2619

EXEMPTIONS

EXAMINEE

RIGHTS

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

> 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

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.

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

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



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243

TN Department of Labor & Workforce **UNEMPLOYMENT INSURANCE**

POSTER FOR EMPLOYEES

Your employer provides insurance to help protect you when you become unemployed through no fault of your own. Tennessee employers pay the full cost of unemployment insurance for their employees. Nothing is deducted from your pay to cover the cost of this insurance nor does any money come from State of Tennessee funds.

To be eligible for benefits you must

- Be separated from employment through no fault of
- Have qualifying wages in the base period. Be able and available for work.
- Search for work by making a minimum of three tangible job contacts and documenting during weekly certification process. You may log in to www.Jobs4tn.gov to search for work online.

Failure to make three weekly work searches will result in a loss of benefits unless you are job attached, a member of a hiring union, or attending training approved by the Commissioner.

If you become unemployed you may file for benefits at www.Jobs4tn.gov.

Before beginning the claim filing process, you should have

- Social Security Number
- Telephone Number
- Name of county of residence Employment data for the last 18 months including
- employer name and address, and Bank routing number and mank account number if you elect to receive benefits by direct deposit; otherwise, you will receive benefits on the Way2Go MasterCard.

You must keep your address current with the **Department of Labor and Workforce Development.**

Go to www.Jobs4tn.gov to apply for unemployment benefits, to file a wage protest, to file an appeal of an agency decision, to view/update information, and to view and update your choice of type of unemployment benefit payment.

You may log in to www.Jobs4tn.gov to register and search for work by using services offered by our Tennessee American Job Centers. The Tennessee Department of Labor and Workforce Development has staff available to help you find a job or pursue training opportunities.

You may go to the Department's website at www.tn.gov/ workforce/jobs-and-education/job-search1/find-localamerican-job-center.html to find the location of the most convenient Tennessee American Job Center

Please post in a conspicuous place.

The TN Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities. Tennessee Relay Service is 711.

POLICE:



TENNESSEE LAW PROHIBITS DISCRIMINATION IN EMPLOYMENT

IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, CREED, RELIGION, SEX, AGE, DISABILITY, OR NATIONAL ORIGIN IN RECRUITMENT, TRAINING, HIRING, DISCHARGE, PROMOTION, OR ANY CONDITION, TERM OR PRIVILEGE OF EMPLOYMENT.

If you feel that you have been discriminated against, contact the Tennessee Human Rights Commission.



ES EN CONTRA DE LA LEY DISCRIMINAR EN CONTRA DE CUALQUIER PERSONA DEBIDO EN BASE A LA RAZA, COLOR, CREDO, RELIGIÓN, SEXO, EDAD, INCAPACIDAD U ORÍGEN EN EL SELECCIÓN, ENTRENAMIENTO, EMPLEO, AL DESPEDIR, PROMOVER O CUALQUIER CONDICIÓN, TÉRMINO O PRIVILEGIO DE EMPLEO. Si usted cree que ha sido víctima de discriminación, comuníquese con la Comisión de Derechos Humanos de Tennessee.

CONTACT US/PARA MAS INFORMACIÓN:

TENNESSEE HUMAN



WILLIAM R. SNODGRASS TENNESSEE TOWER 312 Rosa L. Parks Avenue 23RD FLOOR Nashville, Tennessee 37243-1102

PHONE: (615) 741-5825 OR 1-800-251-3589 ESPAÑOL: 1-866-856-1252 WWW.TN.GOV/HUMANRIGHTS

Tennessee Human Rights Commission, Authorization no. 316148

Last Revised July 2014

You Have a Right to a Safe and Healthful Workplace.

IT'S THE LAW!

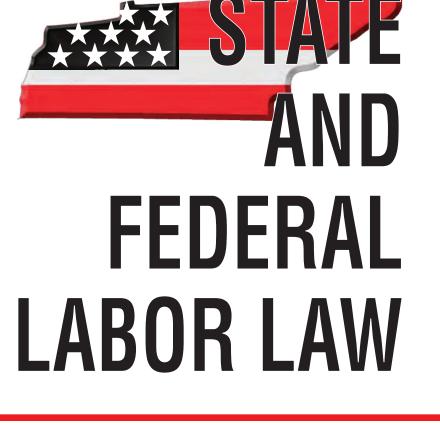
- You have the right to notify your employer or TOSHA about workplace hazards. You may ask TOSHA to keep your name confidential.
- You have the right to request a TOSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with TOSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the TOSHA Act or the Tennessee Hazardous Chemical Right-to-Know Act.
- You have a right to see TOSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have rights under the Tennessee Right to Know Law concerning hazardous chemicals in your work area. Your employer must provide training about health effects, protective measures, safe handling procedures, as well as information on interpreting labels and safety data sheets (SDS). You must be provided access to the safety data sheets and the workplace chemical list.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.



The Tennessee Occupational Safety and Health Act of 1972, T.C.A. §§50-3-101 et seq., assures safe and healthful working conditions for working men and women throughout the state. The Department of Labor and Workforce Development, Division of Occupational Safety and Health (TOSHA) has the primary responsibility for administering the TOSHA Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency or seek TOSHA advice, assistance or information, call 800-249-8510 or your nearest TOSHA office. • Chattanooga (423) 634-6424 • Jackson (731) 423-5640 • Kingsport (423) 224-2042 • Knoxville (865) 594-6180 • Memphis (901) 543-7259 • Nashville (615) 741-2793. To file a complaint online or obtain information on Federal OSHA and other state programs, visit OSHA's website at www.osha.gov. For additional information on TOSHA visit http://tn.gov/workforce/section/tosha.

(REV. 3/16)





EMERGENCY NUMBERS CALL 911

AMBULANCE: PHYSICIAN: **HOSPITAL**: FIRE DEPARTMENT: POISON CONTROL:

PAY DAY NOTICE

PAY DAY IS ON:

OSHA:

■ MONDAY ☐ FRIDAY **□** TUESDAY ☐ SATURDAY

■ WEDNESDAY □ SUNDAY ☐ THURSDAY

PAY SCHEDULE IS:

□ WEEKLY **□** SEMI MONTHLY

□ BIWEEKLY ■ MONTHLY

AND

PAYCHECKS ARE ISSUED ON THE:

OF THE MONTH



NURSING

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. 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 Marian 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







(T.C.A. §50-5-104):

1. During school hours;

2. Between 7:00 pm and 7:00 am;

3. More than 3 hours a day on a school day;

OVERTIME PAY At least 11/2 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 may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based o

per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combine

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.

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 employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast

and free from intrusion from coworkers and the public, which may be used by the employee to express

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 ma

also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties

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

os received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13

TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT WAGE REGULATIONS ACT

It is unlawful for any employer to employ, permit or suffer to work any person without first informing the employee of the amount of wages to be paid (T.C.A. §50-2-101). All wages or compensation of employees in private employment shall be due and payable not less frequently than once per month. Notice of regular paydays shall be posted by each employer in at least two conspicuous places.

REGULAR PAYDAY POSTED AS FOLLOWS: (T.C.A. \$50-2-103).

Each employee must have a 30-minute unpaid rest break or meal period if scheduled to work 6 hours consecutively, except in workplace environments that by the nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity (T.C.A. §50-2-103). No employer shall discriminate between employees in the same establishment on the basis of sex by paying any employee salary

CHILD LABOR ACT

or wage rates less than he pays to any employee of the opposite sex for comparable skill, effort, and responsibility, and which are

Minors 16 and 17 years of age may not be employed (T.C.A. §50-5-105):

- 1. During those hours when the minor is required to attend
- 2. Between the hours of 10:00 pm and 6:00 am, Sunday through Thursday evenings preceding a school day, except with parental or guardian consent. Then, the minor may work until midnight no more than 3 of the Sunday through Thursday nights.

A minor must have a 30-minute unpaid break or meal period if scheduled to work 6 hours consecutively. Such break shall not be

scheduled during or before the first hour of scheduled work activity.

OCCUPATIONS PROHIBITED FOR MINORS UNDER THE AGE OF 18 (T.C.A. \$50-5-106)

In or about plants or establishments manufacturing 15. Wrecking, demolition and ship-breaking operations; or storing explosives or articles containing explosive

performed under similar working conditions (T.C.A. §50-2-202).

Minors 14 and 15 years of age may not be employed

4. More than 18 hours a week during school weeks;

BREAK OR MEAL PERIOD (T.C.A. §50-5-115)

5. More than 8 hours a day on non-school days;

- components; 2. Motor vehicle driving occupations;
- 3. Coal mine occupations;
- 4. Logging and sawmill operations; Operation of power-driven woodworking machines;
- 6. Exposure to radioactive substances and ionizing radiations;
- 7. Operation of elevator and other power-driven hoisting 8. Operation of power-driven metal forming, punching and
- shearing machines; 9. Mining elements other than coal;
- 10. Slaughtering, meat packing, processing or rendering;
- 11. Operation of power-driven bakery machines; 12. Operation of power-driven paper products machines;
- 13. Manufacture of brick, tile and kindred products; 14. Operation of circular saws, band saws and guillotine shears;
- **DUTIES OF EMPLOYERS (T.C.A. §50-5-111)** Employers of minors shall:

1. Maintain a separate file record for each minor employed which shall be kept at the minor's place of employment and shall include the following:

- a. Employment application; b. Copy of minor's birth certificate, drivers's license, state issued ID or passport, as evidence of age by statute;
- c. Accurate daily time record for all minors subject to the provisions of this Act;
- 2. Allow the department to inspect all premises where minors are or could be employed and the contents of the individual file
- 3. Post in a conspicuous place on the business premises a printed notice of the provisions of the Child Labor Act furnished by the

home school, or church-related school that confirms the minor's enrollment and authorization to work (T.C.A. §50-5-105).

The TN Department of Labor and Workforce Development is committed to principals of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities. Callers with hearing impairments may use TTY/TDD 711.

Tennessee Department of Labor & Workforce Development; Authorization #337477

TENNESSEE WORKERS' COMPENSATION INSURANCE

How to Report Work-Related Injuries

What should be done if injured at work?

Employee

1. Immediately **report the injury** to the employer representative named below.

Ref.: Tennessee Code, Sec. 50-5-111 (3)

- 2. **Select a treating physician** from a panel provided by your employer.
- 3. If you have questions or problems, contact the employer representative or the Bureau of Workers' Compensation.
- 1. Complete your company's internal "Workplace Injury form" and **notify your** workers' compensation insurance **company** immediately, even if you have
- 2. **Offer a panel of physicians** to the employee via Form C-42 available on the Bureau's website. In cases of emergency, call an ambulance and provide this form as soon as the injured employee has stabilized.

Printed **name and title** of the employer representative to be notified in the event of a work-related injury

Printed name of an alternative employer representative to be notified in the event of a work-related injury

Telephone number of employer representative to notify in event of a work-related injury

The Tennessee Bureau of Workers' Compensation is available to help both



Address of employer representative to notify in event of a work-related injury

220 French Landing Dr. 1-B Nashville, TN 37243-2667 800-332-2667 615-532-4812 TTD: 800-332-2257 tn.gov/workerscomp

Workers' Compensation law requires this notice to be posted in a conspicuous place at the work site at all times. RDA 10183

(REV. 4/18) Authorization No. 337545 Ref.: Tennessee Code, Sec. 50-6-407

Know Your Rights: Workplace Discrimination is Illegal

Programs (OFCCP) enforces the nondiscrimination and affirmative action

Any person who believes a contractor has violated its nondiscrimination

at work or in applying for a job, the EEOC may be able to help. Job applicants What Organizations are Covered? State and local governments (as employers)

employees and employers.

Educational institutions (as employers) What Types of Employment Discrimination are Illegal?

All aspects of employment, including

in any of the following ways: Age (40 and older) vailable at www.eeoc.gov. What Employment Practices can be Challenged as EMPLOYERS HOLDING FEDERAL CONTRACTS

What can You Do if You Believe Discrimination has 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 Submit an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) info@eeoc.gov

Failure to provide reasonable accommodation for a disability or a

sincerely-held religious belief, observance or practice

Requesting or disclosing medical information of employees

· Job training

OR SUBCONTRACTS

Asking About, Disclosing, or Discussing Pay losing, or discussing their compensation or the compensation of other Section 503 of the Rehabilitation Act of 1973, as amended, protects Protected Veteran Status

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

Race, Color, Religion, Sex, Sexual Orientation, Gender

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.

Identity, National Origin
Executive Order 11246, as amended, prohibits employment discrimination

rimination on the following bases:

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 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

Individuals with Disabilities prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essent functions of the job. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you sho immediately contact the Federal agency providing such assistance

The Office of Federal Contract Compliance Programs (OFCCF

PROGRAMS OR ACTIVITIES RECEIVING

FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

If you are deaf, hard of hearing, or have a speech disability, please dis

be contacted by submitting a question online to OFCCP's Help Desk at

TO REORDER CALL: 1-800-817-7678







6. More than 40 hours a week during non-school weeks.

16. Roofing operations; 17. Excavation operations; 18. In any place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed

serve intoxicating beverages regardless of the amount of intoxicating beverages sold in the place of employment; 19. Occupations involved in youth peddling; 20. Posing or modeling alone or with others while engaged

twenty-five percent (25%) of the total gross receipts of

where a minor will be permitted to take orders for or

the place of employment, or in any place of employment

in sexual conduct for the purpose of preparing a film, photograph, negative, slide or motion picture; 21. Any occupation which the commissioner shall by regulation declare to be hazardous or injurious to the life, health, safety

and welfare of minors.

d. Any records qualifying a minor for exemption under T.C.A. §50-5-107 (8)-(13).

4. Furnish the department with records relative to the employment of minors; 5. If a minor is 16 or 17 years of age and is home schooled, the file must include documentation from the Director of the LEA, the

For information on state laws contact the Tennessee Department of Labor and Workforce Development Labor Standards Unit Toll Free (844) 224-5818 **REGULATIONS** www.tn.gov/workforce

POSTING NOTICE

Employer

concerns about the validity of the claim.