EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES 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

medically necessary or otherwise permitted, employees may take leave

paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. While employees are on FMLA leave, employers must continue health Upon return from FMLA leave, most employees must be restored to the

insurance coverage as if the employees were not on leave. 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 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;

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 byee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide

the employee if he or she is eligible for FMLA leave and, if eligible. nust also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated a FMLA leave, and if so, how much leave will be designated as FML discrimination or supersede any state or local law or collecti

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

enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include Employees may file a complaint with the U.S. Department of Labo informing an employer that the employee is or will be unable to Wage and Hour Division, or may bring a private lawsuit against an 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. bargaining agreement that provides greater family or medical leave Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating

EMPLOYER RESPONSIBILITIES

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

WH1420 REV 04/16

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

EXEMPTIONS

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

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

EXAMINEE

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.

DIVISION OF WORKERS' COMPENSATION NOTICE REGARDING CERTAIN WORK-RELATED COMMUNICABLE **DISEASES AND ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS**

LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, EMERGENCY MEDICAL SERVICE EMPLOYEES, PARAMEDICS, AND CORRECTIONAL OFFICERS

In order to qualify for workers' compensation benefits, an employee who claims a possible work-related exposure to a reportable disease, including HIV infection, must be tested for the disease not later than the 10th day after the exposure and must provide their employer with documentation of the test and a sworn affidavit of the date and circumstances of the exposure. The test result must indicate the absence of the disease. The employee is not required to pay for the test.

Reportable diseases are those communicable diseases and health conditions required to be reported to the Texas Department of State Health Services. Exposure criteria and testing protocol must conform to Texas Department of State Health Services requirements.

ALL STATE EMPLOYEES

In order to qualify for workers' compensation benefits, a state employee who claims a possible work-related exposure to human immunodeficiency virus (HIV) infection, must be tested for HIV within 10 days after the exposure and must provide their employer with documentation of the test and a written statement of the date and circumstances of the exposure. The test result must indicate the absence of HIV infection. The employee is not required to pay for the test.

For additional information: Talk to your employer or call the Division of Workers' Compensation at 1-800-252-7031. Also, contact the Texas Department of State Health Services (DSHS) to ensure full compliance with the Health and Safety Code and DSHS rules.

Rule 110.108

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



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



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

La ley prohíbe a los

empleadores, agencias

de empleo y sindicatos

de negar la igualidad

de oportunidades de

empleo en

ocupar

pago

ascensos

desocupar

beneficios

membrecia

por causa de raza,

color, nacionalidad.

religion, sexo, edad, o

La clase protegida por

sexual, estereotipos de

género, discriminación

identidad de género y

orientación sexual.

sexo incluye acoso

empleo

incapacidad.

por embarazo,

entrenamiento

otros aspectos del

The Law in Texas La Ley en Texas

The law prohibits employers, employment agencies and labor unions from denying equal employment

- opportunities in hiring
- promotion discharge
- fringe benefits membership
- training other aspects of employment because of race, color, national origin, religion, sex, age, or disability.

The Sex Protected Class includes Sexual Harassment, Gender Stereotyping, Pregnancy Discrimination, Gender Identity, and Sexual Orientation.

> If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division

Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles

Website: www.twc.texas.gov/jobseekers/howsubmit-employment-discrimination-complaint Email: EEOintake@twc.texas.gov

> 101 E. 15th Street, RM. 154; Austin, TX 78778 (512) 463-2642

Toll Free (within Texas) 1-888-452-4778 TTY (512) 371-7473

Equal Opportunity Employer / Program Igualdad de Oportunidad de Empleo / Programa





Texas Workforce Commission ATTENTION EMPLOYEES

nay be available at your local Workforce Solutions Office; please visit the directory at:

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

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

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.)

SEMI-MONTHLY:

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

To report suspected fraud, waste or abuse of the program call 800-252-3642.

: Texas Labor Code, Title 2, Ch. 61

EMERGENCY NUMBERS CALL 911

POLICE: AMBULANCE: PHYSICIAN: HOSPITAL: FIRE DEPARTMENT: POISON CONTROL OSHA:

Attention Texas Employers Re: Workers' Compensation Poster

Employers in the State of Texas are required to post a notice for their employees whether they DO or DO NOT carry workers' compensation

If you DO carry workers' compensation insurance, please fill out Notice 6 on your All-On-One™ poster.

If you DO NOT carry workers' compensation insurance, please fill out Notice 5 on your All-On-One™ poster. It is your responsibility as an employer to fill out the DWC-5 form, "EMPLOYER NOTICE OF NO COVERAGE OR TERMINATION OF COVERAGE", by downloading it at www.complianceposter.com/free-labor-law-posters Please send this to the address listed at the top of form DWC-5

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 nor 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

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is

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

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 ma

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

subject to the FLSA's overtime requirements in order for the employee to express breast milk for her

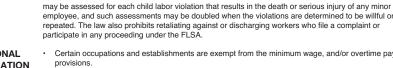
with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

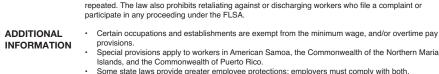
os received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13

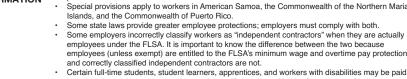
EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

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











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);



Figure 28 TAC §276.5(c) - September 2022

NOTICE TO EMPLOYEES CONCERNING **WORKERS' COMPENSATION IN TEXAS**

COVERAGE: [Name of employer]

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

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

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

NOTICE TO EMPLOYEES CONCERNING **WORKERS' COMPENSATION IN TEXAS**

COVERAGE: [Name of employer]

Rule 110.101(e)(1)

have workers' compensation insurance coverage. As an employee of a non-covered employer, you are not eligible to receive workers' compensation benefits under the Texas Workers' Compensation Act. However, a non-covered (non-subscribing) employer can and may provide other benefits to injured employees. You should contact your employer regarding the availability of other benefits for a work-related injury or occupational disease. In addition, you may have rights under the common law of Texas should you have an on the job injury or occupational disease. 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.

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.

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

Rule 110.101(e)(4)

Know Your Rights: Workplace Discrimination is Illegal

and temporary employees

protect you from discrimination in employmen If you believe you've been discriminated against at work or in applying for a job, the EEOC may be Who is Protected? Employees (current and former), including managers

Commission (EEOC) enforces Federal laws that

Union members and applicants for membership What Organizations are Covered? Most private employers State and local governments (as employers

What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your migration status, on the bases of:

· Sex (including pregnancy and related conditions

sexual orientation, or gender identity) Age (40 and older) 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 liscrimination, or participating in a discriminatio wsuit, investigation, or proceeding

What Employment Practices can be Challenged as Discriminatory? aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal

· Pay (unequal wages or compensation) · Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice

 Obtaining or disclosing genetic information • Requesting or disclosing medical information · Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or

What can You Do if You Believe

Job training

Discrimination has Occurred? Contact the EEOC promptly if you suspec discrimination. Do not delay, because there are stric time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways: Submit an inquiry through the EEOC's public portal:

1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.go Additional information about the EEOC,

1-800-669-4000 (toll free)

including information about filing a www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the

of companies doing business with the Federal

nondiscrimination and affirmative action commitments

Government. If you are applying for a job with, or are

an employee of, a company with a Federal contract or

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabil from discrimination in hiring, promotion, discharge, pay fringe benefits, job training, classification, referral, and Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individua

with a disability who is an applicant or employee

barring undue hardship to the employer. Section 503

also requires that Federal contractors take affirmative

Race, Color, Religion, Sex,

National Origin

aspects of employment.

Asking About, Disclosing, or

other applicants or employees

Sexual Orientation, Gender Identity,

Executive Order 11246, as amended, prohibits

Executive Order 11246, as amended, protects

employment discrimination by Federal contractors

based on race, color, religion, sex, sexual orientation

affirmative action to ensure equality of opportunity in

applicants and employees of Federal contractors from

discrimination based on inquiring about, disclosing, or

individuals with disabilities at all levels of employment including the executive level. Protected Veteran Status The Vietnam Era Veterans' Readiustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires ffirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated

veterans (i.e., within three years of discharge or ampaign badge veterans, or Armed Forces service complaint of discrimination, participates in an OFCCP

proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action

ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civ Rights Act of 1964, as amended. Title VI of the Civil Rights Act of 1964, as amended, prohibits origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of

The Office of Federal Contract Compliance

If you are deaf, hard of hearing, or have a

speech disability, please dial 7-1-1 to access

also be contacted by submitting a question online t

OFCCP's Help Desk at https://ofccphelpdesk.dol

ffice, listed in most telephone directories under U.S

Government, Department of Labor and on OFCCP's

"Contact Us" webpage at https://www.dol.gov/

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL

Programs (OFCCP)

U.S. Department of Labor

Washington, D.C. 20210

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

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 functions of the job.

1972 prohibits employment discrimination on the bas

of sex in educational programs or activities which

receive Federal financial assistance.

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 such assistance.



· National origin

