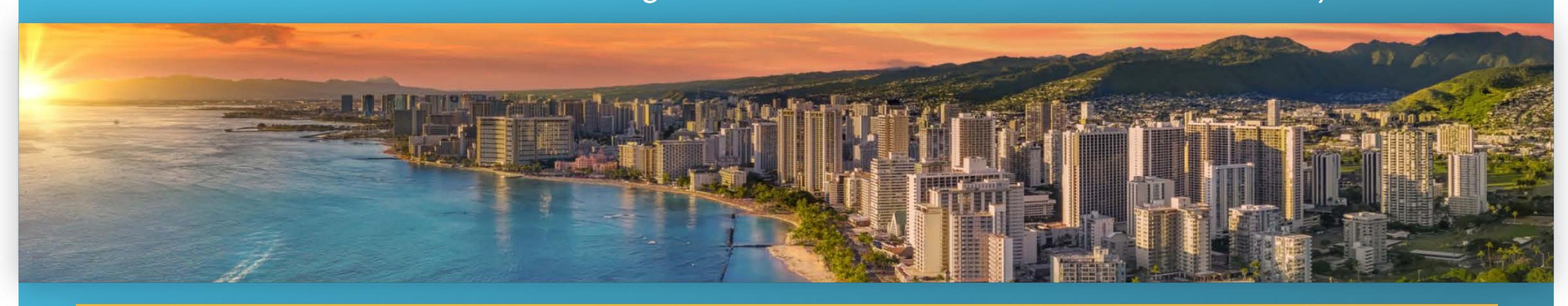
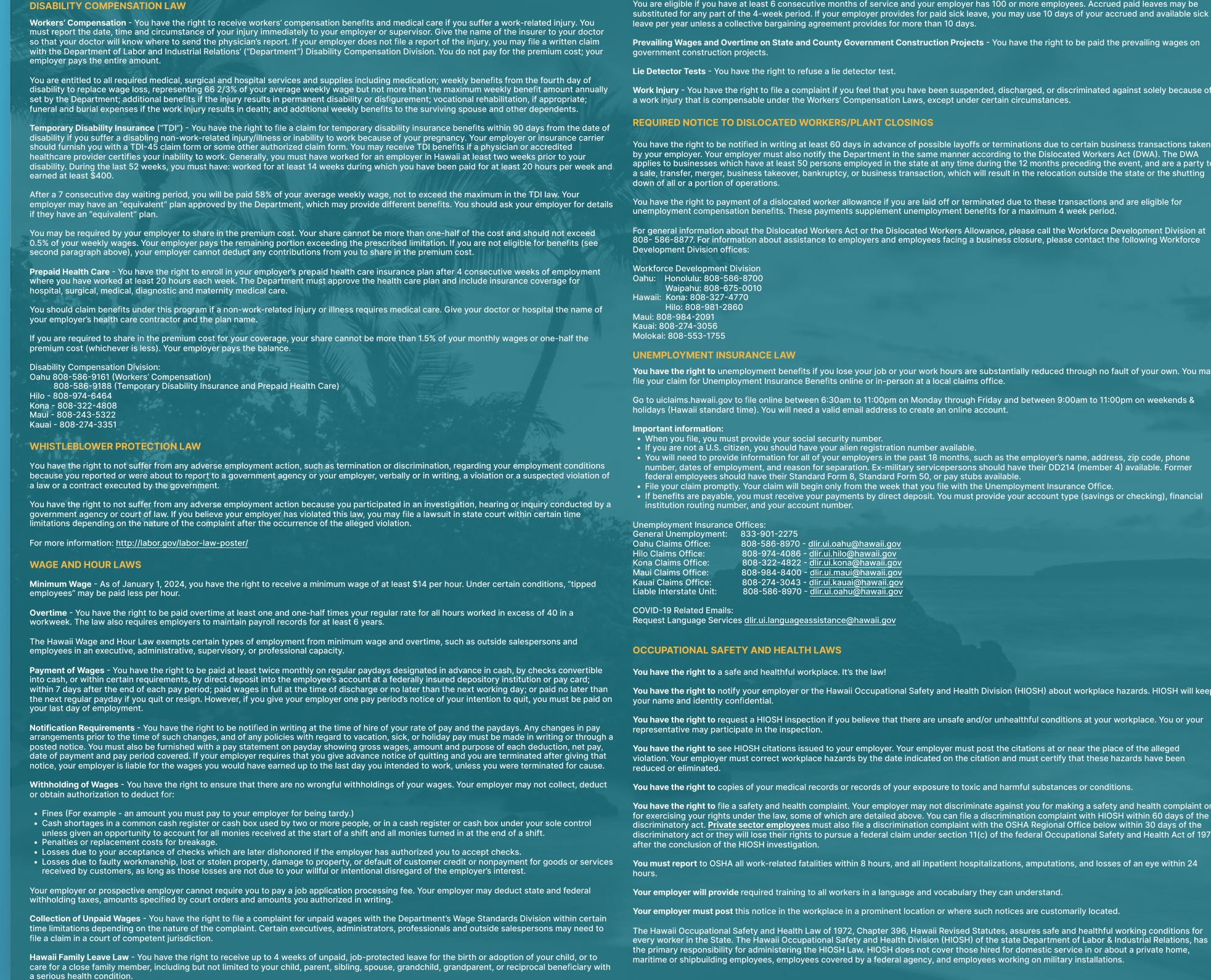


2024 Hawaii Employment Notices

Partnering with local businesses across Hawaii for 30 years.



State of Hawaii Employment Laws



substituted for any part of the 4-week period. If your employer provides for paid sick leave, you may use 10 days of your accrued and available sick leave per year unless a collective bargaining agreement provides for more than 10 days Prevailing Wages and Overtime on State and County Government Construction Projects - You have the right to be paid the prevailing wages on Lie Detector Tests - You have the right to refuse a lie detector test Work Injury - You have the right to file a complaint if you feel that you have been suspended, discharged, or discriminated against solely because of Copies of the State law, the HIOSH rules and Standards or other program information may be obtained at: a work injury that is compensable under the Workers' Compensation Laws, except under certain circumstances. REQUIRED NOTICE TO DISLOCATED WORKERS/PLANT CLOSINGS You have the right to be notified in writing at least 60 days in advance of possible layoffs or terminations due to certain business transactions taken by your employer. Your employer must also notify the Department in the same manner according to the Dislocated Workers Act (DWA). The DWA applies to businesses which have at least 50 persons employed in the state at any time during the 12 months preceding the event, and are a party to LAWS PROHIBITING EMPLOYMENT DISCRIMINATION a sale, transfer, merger, business takeover, bankruptcy, or business transaction, which will result in the relocation outside the state or the shutting down of all or a portion of operations. You have the right to payment of a dislocated worker allowance if you are laid off or terminated due to these transactions and are eligible for unemployment compensation benefits. These payments supplement unemployment benefits for a maximum 4 week period. For general information about the Dislocated Workers Act or the Dislocated Workers Allowance, please call the Workforce Development Division at 808-586-8877. For information about assistance to employers and employees facing a business closure, please contact the following Workforce Workforce Development Division Kauai: 808-274-3056 Molokai: 808-553-1755 **UNEMPLOYMENT INSURANCE LAW** You have the right to unemployment benefits if you lose your job or your work hours are substantially reduced through no fault of your own. You may file your claim for Unemployment Insurance Benefits online or in-person at a local claims office. Go to uiclaims.hawaii.gov to file online between 6:30am to 11:00pm on Monday through Friday and between 9:00am to 11:00pm on weekends & holidays (Hawaii standard time). You will need a valid email address to create an online account. • When you file, you must provide your social security number. If you are not a U.S. citizen, you should have your alien registration number available. • You will need to provide information for all of your employers in the past 18 months, such as the employer's name, address, zip code, phone number, dates of employment, and reason for separation. Ex-military servicepersons should have their DD214 (member 4) available. Former federal employees should have their Standard Form 8, Standard Form 50, or pay stubs available. File your claim promptly. Your claim will begin only from the week that you file with the Unemployment Insurance Office. • If benefits are payable, you must receive your payments by direct deposit. You must provide your account type (savings or checking), financial institution routing number, and your account number 808-586-8970 - <u>dlir.ui.oahu@hawaii.gov</u> 808-974-4086 - <u>dlir.ui.hilo@hawaii.gov</u> 808-322-4822 - <u>dlir.ui.kona@hawaii.gov</u> Hilo Claims Office: Kona Claims Office: 808-984-8400 - dlir.ui.maui@hawaii.gov 808-274-3043 - dlir.ui.kauai@hawaii.gov 808-586-8970 - dlir.ui.oahu@hawaii.gov Maui Claims Office: Kauai Claims Office: Liable Interstate Unit: Request Language Services dlir.ui.languageassistance@hawaii.gov **OCCUPATIONAL SAFETY AND HEALTH LAWS** You have the right to a safe and healthful workplace. It's the law! You have the right to notify your employer or the Hawaii Occupational Safety and Health Division (HIOSH) about workplace hazards. HIOSH will keep your name and identity confidential. You have the right to request a HIOSH inspection if you believe that there are unsafe and/or unhealthful conditions at your workplace. You or your representative may participate in the inspection. You have the right to see HIOSH 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 You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions. You have the right to file a safety and health complaint. Your employer may not discriminate against you for making a safety and health complaint or for exercising your rights under the law, some of which are detailed above. You can file a discrimination complaint with HIOSH within 60 days of the discriminatory act. Private sector employees must also file a discrimination complaint with the OSHA Regional Office below within 30 days of the discriminatory act or they will lose their rights to pursue a federal claim under section 11(c) of the federal Occupational Safety and Health Act of 1970 after the conclusion of the HIOSH investigation. Your employer will provide required training to all workers in a language and vocabulary they can understand.

The Occupational Safety and Health Administration (OSHA) monitors the HIOSH program to ensure its effectiveness. If you believe HIOSH is not meeting its responsibilities, you may file a Complaint About State Program Administration (CASPA) directly to the OSHA Regional Office: Occupational Safety and Health Administration 830 Punchbowl Street, Rm 423 Honolulu, HI 96813 Tel. (808) 586-9100 http://labor.hawaii.gov/hiosh/ Starting January 1, 2024, employers in Hawaii are prohibited from paying wages to employees at a lesser rate than other employees who perform "substantially similar work" on jobs because of: race; sex, including gender identity or expression; sexual orientation; age; religion; color; ancestry; disability; marital status; arrest and court record (except in limited circumstances); reproductive health decision; or domestic or sexual violence victim status (if the employer has knowledge of such status). This means employees who perform work "which requires equal skill, effort, and responsibility... under similar working conditions" must receive equal pay unless pay differentials are based on: a seniority system; a merit system, a system that measures earnings by quantity or quality of production; a bona fide occupational qualification; or a differential based on any other You have the right to be free from unlawful discrimination in your employment. All applicants and employees of private and public employers (except the federal government), union members, and job seekers in employment agencies are protected by Hawaii law against employment You cannot be denied a job, fired, or subjected to unequal terms and conditions of employment because of the protected categories above. Sexual harassment by a supervisor or co-worker is a form of sex discrimination. Employers are prohibited from retaliating against you for disclosing sexual **Examples of Unlawful Employment Discrimination:** • If you are a pregnant employee and are denied leave recommended by a doctor, or are denied reinstatement to the same or comparable position • If you are subjected to unwanted sexual advances or demands, offered benefits in exchange for sexual favors, threatened with demotion, firing, or loss of benefits for refusing sexual advances, or subjected to unwelcome sexual conduct.

• If you are denied a job or a promotion because of the protected classes listed above. Filing a Complaint: You have the right to file a complaint if you have been subjected to discrimination because of the protected classes listed above. You can file a complaint by calling the Hawaii Civil Rights Commission. Under state law, you must file your complaint within 180 days of the You have the right to be free from discriminatory or retaliatory action from your employer for filing a complaint, participating in an investigation, or opposing a discriminatory practice. Hawaii: 808-974-4000, ext 68636 Maui: 808-984-2400, ext 68636 Molokai/Lanai: 1-800-468-4644, ext 68636 TDD/TTY 808-586-8692 MILITARY LEAVE You have the right to be free from discrimination and retaliation if you leave your job to perform military service, when seeking initial employment, reemployment, retention in employment, promotion, or any benefit of employment. You have the right, if you leave your job to perform military service, 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. You have the right, even if you don't elect to continue coverage during your military service, to be reinstated in your employer's health plan when you are reemployed, generally without any waiting period or exclusions (e.g., preexisting condition exclusion) except for service connected **BREASTFEEDING IN THE WORKPLACE** You have the right to reasonable break time to express milk for your nursing child at the workplace in a location, other than the restroom, that is shielded from view and free from intrusion from coworkers and the public for one year after your child's birth. Employers with fewer than twenty employees who can show that providing the time and place to express breast milk would impose an undue hardship on the Company may deny break times to express milk. Employers who fail to comply with the requirements of Act 249 shall be fined \$500 per violation and may be liable for damages suffered by the ENFORCEMENT: If you believe your employer has violated this law you may file a lawsuit in state court for appropriate injunctive relief, actual damages, or both, within two years after the occurrence of the alleged violation. Damages may include reasonable attorneys' fees. This notice provides general background information on Federal and Hawaii Employment Practices Law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult your attorney. practice. For more information, please contact the Department of Labor and Industrial Relations Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TYY Dial 711 then ask for (808) 586-8866 **HUMAN TRAFFICKING LAW**

If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, or

The hotline is: 1) available 24 hours a day, 7 days a week; 2) toll free; 3) operated by a non-profit, non-governmental organization; 4) anonymous

and confidential; 5) accessible in 170 languages; and 6) able to provide help, referral to services, training, and general information.

human trafficking are protected under United States and Hawaii law.

any other similar activity – call the National Human Trafficking Resource Center Hotline at: 1-888-373-7888 to access help and services. Victims of

Federal Laws

emptions - Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal vernment to certain private individuals engaged in national security-related activities.

ployees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

LOYEE POLYGRAPH PROTECTION ACT

FAMILY AND MEDICAL LEAVE ACT	EN Th
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.	du Pr
Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:	dis un
 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 	E x Go
• 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 service member with a serious injury or illness may take up to 26	Th en
workweeks of FMLA leave in a single 12-month period to care for the service member.	Th a v
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 information.	Th de
FMLA leave is <u>not</u> 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.	Ex te: th:
Am I eligible to take FMLA leave? You are an eligible employee if <u>all</u> of the following apply:	E r ap
 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 	Ac
Your employer has at least 50 employees within 75 miles of your work location.	K
 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. 	Th be W
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	w •
• 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 <u>must</u> also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.	·
Your employer <u>may</u> 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.	Ur
State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most ederal 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? f 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 	W Al
location, at the end of your leave. Your employer <u>cannot</u> 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 <u>must</u> confirm whether you are • Igible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer <u>must</u> 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 the U.S. Department of Labor Wage and Hour Division or	
ïle a private lawsuit against your employer in court.	w
UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain	Co or
cypes 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.	•
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:	A
 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 	E
• You have not been separated from service with a disqualifying discharge or under other than honorable conditions.	TI co Fe
f 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 nilitary service or, in some cases, a comparable job.	R a di
tight To Be Free From Discrimination and Retaliation Then an ampleyer may not done your	af A
 f you: Are a past or present member of the uniformed service; Have applied for membership in the uniformed service; or Are obligated to serve in the uniformed service: Then an employer may not deny you: Initial employment; Reemployment; Retention in employment; 	di D i
 Are obligated to serve in the uniformed service; Promotion; or Any benefit of employment because of this status. 	pr di
n addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement n connection with a proceeding under USERRA, even if that person has no service connection.	a : af le
Health Insurance Protection - If you leave your job to perform military service, you have the right to elect to continue your existing employer-based nealth plan coverage for you and your dependents for up to 24 months while in the military.	aı
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	ve se
ender recomployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service- connected linesses or injuries.	Re op af Th
complaints of USERRA violations. 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/vets. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.	U. 20 1-
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 representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.	If you
Tournay also bypass the VETO process and bring a civil action against air employer for violations of OSERRA.	W۱

he 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 xaminee Rights - Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the est. 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 le right not to have test results disclosed to unauthorized persons. orcement - The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job olicants may also bring their own court actions. lditional Information - For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 or www.dol.gov/whd. IOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL e U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you lieve you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Employees (current and former), including managers and temporary employees Union members and applicants for membership in a union hat Organizations are Covered? State and local governments (as employers) Educational institutions (as employers) at Types of Employment Discrimination are Illegal? ler the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of Sex (including pregnancy, childbirth, and related conditions, sexual orientation, or gender identity) 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 proceed in
Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation nat Employment Practices can be Challenged as Discriminatory? Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct)
Hiring or promotion Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely held religious Job training
Classification 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 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 nat Can You Do if You Believe Discrimination has Occurred?
Intact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 300 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: https://publicportal.eeoc.gov/Portal/Login.aspx Call 1-800-669-4000 (toll free), 1-800-669-6820 (TTY), or 1-844-234-5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) itional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov. LOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS ne Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action ommitments 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 ederal contract or subcontract, you are protected under Federal law from discrimination on the following bases: ace, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin - Executive Order 11246, as amended, prohibits employment crimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires rmative action to ensure equality of opportunity in all aspects of employment. sking About, Disclosing, or Discussing Pay - Executive Order 11246, as amended, protects applicants and employees of Federal contractors from scrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. ability - Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, omotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability scrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take firmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive otected Veteran Status - The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment iscrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated eterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces ervice medal veterans. taliation - Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise poses discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or ffirmative action obligations under OFCCP's authorities should contact immediately: he Office of Federal Contract Compliance Programs (OFCCP) 5. Department of Labor O Constitution Avenue, N.W. Washington, D.C. 20210 300-397-6251 (toll-free) 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 ontacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district ffice, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https:// vw.dol.gov/agencies/ofccp/contact

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or Race, Color, National Origin, Sex - 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 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. cohibitions - Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from scharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights nder the Act. 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. e Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective **NATIONAL LABOR RELATIONS ACT** ne Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace. Under the NLRA, you have the right to: Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment. Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and
 sther working conditions. • Discuss your terms and conditions of employment or union organizing with your co-workers or a union. Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union. • Strike and picket, depending on the purpose or means of the strike or the picketing. • Choose not to do any of these activities, including joining or remaining a member of a union. Under the NLRA, it is illegal for your employer to: • Prohibit you from soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms. Question you about your union support or activities in a manner that discourages you from engaging in that activity. • Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity. • Threaten to close your workplace if workers choose a union to represent them. • Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support. • Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances. • videotape peaceful union activities and gatherings or pretend to do so. Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to: Threaten you that you will lose your job unless you support the union. Refuse to process a grievance because you have criticized union officials or because you are not a member of the union. Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall. Cause or attempt to cause an employer to discriminate against you because of your union-re Take other adverse action against you based on whether you have joined or support the union. If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement. Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlrb.gov. You can also contact the NLRB by calling toll-free: 1-844-762-NLRB (6572). Language assistance is available. Hearing impaired callers who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call. The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered). FAIR LABOR STANDARDS ACT (Other Information) 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 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. Nursing Mothers - 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 such 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. 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/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. • 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. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) All workers have the right to: • Provide employees a workplace free from recognized hazards. It is A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against. 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 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. hours of any work-related inpatient hospitalization, amputation, or Provide required training to all workers in a language and • Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector. vocabulary they can understand.Prominently display this poster in the workplace.Post OSHA citations at or near the place of the alleged violations. • 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.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation

programs in every state.

This notice provides general background information on state and federal labor and employment law and is not intended to serve as a substitute for legal counsel. For specific legal advice on individual situations, please consult an attorney. Questions? CONTACT THE PROSERVICE HR SERVICE TEAM AT 888-892-8878. UPDATED JANUARY 2024