## Montana & Federal Employment Notices

### OSHA **Occupational Safety** d Health Administratio

PRODUCT ID: MT2-27X40-ENG

ΜΟΝΤΑΝΑ

# **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.

IOTE: OSHA REQUIRES THAT REPRODUCTIONS OR FACSIMILES OF THE POSTER BE AT LEAST 8.5" X 14" INCHES WITH 10 POINT

- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. 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.

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.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- 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.

FREE ASSISTANCE to identify and correct hazards is available to small and mediumsized employers, without citation or penalty, through OSHA-supported consultation



<b>Family Medical Leave Act</b>			
U.S. Wage and Hour Division EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION			
What is FMLA leave?: The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.			
Eligible employees can take <b>up to 12 workweeks</b> of FMLA leave in a 12-month period for: • 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 • Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.			
An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness <b>may take up to 26 workweeks</b> of FMLA leave in a single 12-month period to care for the servicemember.			
You have the right to use FMLA leave in <b>one block of time</b> . When it is medically necessary or otherwise permitted, you may take FMLA leave <b>intermittently in separate blocks of time, or on a reduced schedule</b> by working less hours each day or week. Read Fact Sheet #28M(c) for more information.			
FMLA leave is <b>not paid leave</b> , 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.			
<ul> <li>Am I eligible to take FMLA leave?</li> <li>You are an eligible employee if all of the following apply:</li> <li>You work for a covered employer,</li> <li>You have worked for your employer at least 12 months,</li> <li>You have at least 1,250 hours of service for your employer during the 12 months before your leave, and</li> <li>Your employer has at least 50 employees within 75 miles of your work location.</li> </ul>			
<ul> <li>Airline flight crew employees have different "hours of service" requirements.</li> <li>You work for a covered employer if one of the following applies:</li> <li>You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,</li> <li>You work for an elementary or public or private secondary school, or</li> <li>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.</li> </ul>			
How do I request FMLA leave? Generally, to request FMLA leave you must: • Follow your employer's normal policies for requesting leave, • Give notice at least 30 days before your need for FMLA leave, or • If advance notice is not possible, give notice as soon as possible			
You <b>do not have to share a medical diagnosis</b> but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You <b>must also inform your employer if FMLA leave was previously taken</b> or approved for the same reason when requesting additional leave. Your <b>employer may request certification</b> 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. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.			
What does my employer need to do?			
If you are eligible for FMLA leave, your <b>employer must</b> : • Allow you to take job-protected time off work for a qualifying reason, • Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and • Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.			
Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.			
After becoming aware that your need for leave is for a reason that may qualify under the FMLA, <b>your employer must confirm whether you are eligible</b> or not eligible for FMLA leave. <b>If your employer determines that you are eligible, your employer must notify you in writing</b> : • 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 WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.			
For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 <u>www.dol.gov/whd</u> U.S. Department of Labor • Wage and Hour Division Updated 4/23			

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DATE POSTED:

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Labor Laws change often. Please call your distributor twice a

### **USERRA**

#### • FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and presen 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:

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

## **Equal Employment Opportunity**

Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

#### Who is Protected?

ΙΟΝΤΑΝΑ

· Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for membership in a union

What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers) Unions Staffing agencies

#### What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of: Race Color Religion National origin · Sex (including pregnancy and related conditions, sexual orientation, or gender identity) • Age (40 and older) Disability · 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

proceeding. • Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

#### What Employment Practices can be Challenged as **Discriminatory?** All aspects of employment, including: · Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct) • Hiring or promotion Assignment • Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, observance or practice Benefits

 Job training Classification Referral

 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 proceeding. 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

#### What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of 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: https://publicportal.eeoc.gov/Portal/Login.aspx



# bases:

#### Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

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

#### Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

#### Disability

Section 503 of the Rehabilitation Act of 1973, as amended protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

#### Protected Veteran Status

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 employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

#### Retaliation

Retaliation is prohibited against a person who files a 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 obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. 1-800-397-6251 (toll-free) Washington, D.C. 20210

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

#### **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL** ASSISTANCE

#### 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



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



### **Federal Minimum Wage** EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT



#### **OVERTIME PAY** t least 1<sup>1</sup>/<sub>2</sub> 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 t 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 (PUMP AT WORK)

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 the employee need 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 employe

#### 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/ r 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 enalties 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. Certain narrow exemptions also apply to the pump at work requirements. • 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 mployees (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.

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd

WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

### **Pregnant Workers Fairness Act (PWFA)**

#### WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide "reasonable accommodations" to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." An undue hardship is defined as causing significant difficulty or expense

teasonable accommodations" are changes to the work environment or the way things are usually done at work

- WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS? Being able to sit or drink water Receiving closer parking Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy

#### WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?

Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC)) The ADA which prohibits employment discrimination based on disability (enforced by the EEOC) The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S Department of Labor)
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)

Learn more at www.EEOC.gov/Pregnancy-Discrimination

### **State Minimum Wage**

MONTANA'S MINIMUM WAGE will increase from \$9.95 to \$10.30\*

(Effective 1/1/2024)

\*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year.

days after the end of the pay period. WHEN SEPARATED FROM EMPLOYMENT: When an employee guits, wages are due on the next scheduled pay day for the period in which the

PAYMENT OF WAGES

WHILE STILL EMPLOYED: An employee must be paid within 10 business

niformed services while with that particular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

#### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If 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; • promotion; or • any benefit of employment because of this status

#### **HEALTH INSURANCE PROTECTION**

• If you leave your job to perform military service, you have the right 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. • 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 you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

#### ENFORCEMENT

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve 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/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you 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.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



## **Polygraph Protection**

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

#### PROHIBITIONS

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.

#### **EXEMPTIONS**

Updated 6/23

Updated 6/2

Updated 1/1

Form 300)

EMPLOYEES:

applicable to their jobs

SAFETY AND HEALTH BUREAU:

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

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

#### **EXAMINEE RIGHTS**

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. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

locations where services are performed.



#### 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) **Visit** an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR** SUBCONTRACTS

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

employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

#### 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.

Updated 6/23

### **Child Labor Law**

#### Introductory...

This summary on the Montana Child Labor Standard laws provides general information only and should not be considered as an official document. Official statements of policy and procedure are contained in the regulations formally adopted by the Wage and Hour Unit of the Montana Department of Labor and Industry. If subject to the federal jurisdiction, please contact the U.S. Department of Labor for their child labor regulations.

#### Assistance...

Updated 6/22

Inquiries about the Montana Child Labor Law, Minimum Wage laws and other Montana labor laws and their application will be answered by mail, telephone or personal interview at the: Department of Labor and Industry, Wage & Hour Unit PO Box 201503, Helena MT 59604-6518 (406) 444-5600

#### Montana Codes Annotated -- Title 41, Chapter 2

"Declaration of Policy. It is declared to be the policy of this Act to protect young workers from employment that might interfere with their educational opportunities or be detrimental to their health or well-being."

#### General Provisions of the Child Labor Laws...

The Montana Child Labor Standards Act of 1993 establishes the hours children may work and hazardous occupations in which they may not work - unless specifically exempted.

The Montana Child Labor Laws apply to all children, migrant as well as resident children. These laws parallel, but do not supersede the federal child labor laws. The federal law is similar to the Montana law but is more restrictive in certain areas.

#### Common Terms...

Agriculture, includes all aspects of farming including the cultivation and tillage of the soil; dairy; growing, harvesting and production of agricultural and horticultural commodities; raising of livestock, bees, fur bearing animals or poultry; and, any practices, including forestry or lumbering operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

#### Minor, an individual under 18 years of age, except for an individual who:

(a) - has received a high school diploma or has received a passing score on the general education development examinations; or (b) - is 16 years of age or older and is enrolled in a registered state or federal apprenticeship program. Employed or employment, means an occupation engaged in, permitted, or suffered with or without compensation in money or other valuable consideration, whether paid to the minor or to some other person, including but not limited to occupations as servant, agent, subagent, or independent contractor. It does not include casual, community service, non-revenue raising, uncompensated activities. Occupation, means an occupation, service, trade, business, or industry in which employees are employed; any branch or group of industries in which employees are employed; or any employment or class of employment in which employees are employed. Domestic services, means an occasional, irregular, or incidental non-hazardous occupational activity related to and conducted in or around a private residence, including but not limited to baby-sitting, pet sitting or similar household chore, and manual yard work. Domestic service specifically excludes industrial homework.

Hazardous occupations, nonagricultural occupations which have been declared to be particularly hazardous, involving risk, or detrimental to the health and well-being of individuals under 18 years of age. The following are considered hazardous occupations:

1. Manufacturing and storing explosives. 2. Riding outside a motor vehicle to assist in transporting or delivering goods. 3. Coal mining. 4. Logging and saw milling. 5. Power-driven woodworking machines. 6. Exposure to radioactive substances. 7. Power-driven hoisting apparatus, such as non-automatic elevators, fork lifts, and cranes.





*I*ontana's minimum wage is to be the greater of the federal or current state employee was separated, or 15 calendar days, whichever occurs first minimum waqe

**Exception:** A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. However, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana's minimum wade.

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS ALLOWED IN THE STATE OF MONTANA

**OVERTIME PAY** Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1<sup>1</sup>/<sub>2</sub> times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by calling our office at (406) 444-6543.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

**DEPARTMENT OF LABOR & INDUSTRY COMPLIANCE & INVESTIGATIONS BUREAU** PO BOX 201503 HELENA MT 59620-1503 PHONE (406) 444-6543 EMAIL: DLIERDWage@mt.gov

Please visit us on the web at: www.mtwagehourbopa.com Updated 9/23



### **MONIANA LAW** Prohibits smoking, including

the use of marijuana in this establishment

Montana Clean Indoor Air Act, Title 50, Chapter 40. For more information or to report a violation call or visit us online. 1.866.787.5247 tobaccofree.mt.gov

**Unemployment Compensation** 

Notice To Employers - Unemployment Insurance

Montana Department of Revenue

P.O. Box 6339 Helena, MT

59604-6339

Customer Service Center

406-444-6900

**State OSHA** 

RIGHTS

**EMPLOYERS** 

**EMPLOYEES:** 

the workplace visit

• right to consult with the Department for advice and assistance in

• right to appeal any order, rule or decision if aggrieved directly or

• right to meet privately with the Department representative during

• right to report workplace hazards to the employer, and then to the

OR PLACES WHERE NOTICES ARE CUSTOMARILY POSTED.

FOR QUESTIONS INVOLVING OCCUPATIONAL SAFETY

AND HEALTH, CALL THE SAFETY BUREAU, MONTANA

AND

OF THE MONTH

DEPARTMENT OF LABOR AND INDUSTRY (406) 444-6401

complying with provisions of the Montana Safety Act

indirectly by that order, rule or decision

http://www.montanasafety.com/

right to file complaints with the Department

Every employer must post and maintain a printed notice provided by the department showing that the employer is subject to Montana

unemployment insurance law and has been registered by the department. This notice must be posted in conspicuous places near the



Updated 8/1

#### Power-driven metal-forming, punching, and shearing machines 9. Mining, other than coal mining. 10. Slaughtering, meat-packing, processing, or rendering. 11. Power-driven bakery machines. 12. Power-driven paper-products machines. 13. Manufacturing of brick, tile, and similar products. 14. Power-driven circular saws, band saws, and guillotine shears. 15. Wrecking, demolition, and ship-breaking operations. 16. Roofing operations. 17. Excavation operations.

For a complete listing of prohibited machines, see "Child Labor Bulletin No. 101" available from the United States Department of Labor, Wage and Hour Division in Salt Lake City, UT, 84101, (801) 524-5706. http://www.dol.gov/dol/allcfr/Title\_29/Part\_570/toc.htm

#### Lawn Care and Residential Chores...

Lawn care and residential chores performed by minors on a casual basis for the owners of private residences is not subject to Montana child labor provisions. Lawn care performed other than in this limited capacity is subject to the law. Minors age 14 and 15 cannot operate power driven equipment such as lawn mowers and power driven string trimmers. They can perform other domestic garden and lawn care chores using hand operated devices such as shovels, rakes, hoes etc. Minors 16 and 17 years of age can use power mowers and string trimmers. They cannot use chain saws and string trimmers equipped with brush and wood cutting blades.

Exemptions... All Minors, regardless of age, may be employed: - By their parents or guardians (except in manufacturing, mining and hazardous occupations). - In agriculture or farming with written consent of their parents or guardians or on a farm or in a home owned by their parents or guardians or on a farm where the parent or guardian is also employed. - In the delivery or collection of newspapers, periodicals or circulars. - In casual, community, non-revenue raising, uncompensated activity, (such as religious and charitable volunteer work). - As an actor, model or performer. - As a legislative aide. - In casual domestic work at a person's home. - As an official or referee for a nonprofit athletic organization. A minor who is under the age of 14 may not officiate at adult events or activities. Additional exceptions are provided for student-learners and apprenticeship programs. Prohibited Employment of Minors Under 14 Years of Age... Except as provided above, a minor who is under 14 years of age may not be employed in or in connection with an occupation. Prohibited Employment of Minors Who Are 14 or 15 Years of Age...

#### Minors who are 14 and 15 years old may not work in the following:

NONAGRICULTURAL JOBS

- manufacturing, mining, most processing work, and all hazardous occupations; operating or tending most power-driven machinery; public messenger service; and work connected with warehousing, storage, transportation, communications, public utilities, and construction (except office and sales jobs when not performed on transportation vehicles or on construction sites).

#### AGRICULTURAL JOBS

- felling, bucking, skidding, loading or unloading timber with a butt diameter of more than nine inches; repairing a building from a ladder or scaffold at a height of more than twenty feet; working inside a fruit, forage or grain storage structure designed to retain an oxygen deficient or toxic atmosphere; working inside a silo within two weeks after silage has been added or when a top loading device is in operating position; handling or using a blasting agent including but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps or primer cord; or transferring or applying anhydrous ammonia.

#### **EXEMPTIONS FROM PROHIBITED OCCUPATIONS IN AGRICULTURE...**

Exemptions from some of the hazardous occupations apply for 14 and 15 year old student learners enrolled in vocational agriculture programs when certain requirements are met.

Minors aged 14 and 15 who hold certificates of completion of training under a 4-H or vocational agriculture program may work outside school hours on equipment for which they have been trained.

Prohibited Employment of Minors Who Are 16 or 17 Years of Age...

Unless working as an apprentice or student-learner under 41-2-110 MCA, a minor 16 or 17 years of age may not be employed in or in connection with hazardous occupations.

#### Working Hours For Minors...

Unless otherwise exempt, a minor who is 14 or 15 years of age may not be employed: - during school hours, except as provided for in Work Experience and Career Exploration Programs approved by the department or the office of public instruction. - before 7 a.m. or after 7 p.m., except that the minor may be employed until 9 p.m. during the periods outside the school year (June 1 through Labor Day, depending on local standards); or - employed more than 3 hours on a school day;

#### **IRS Withholding** YOU MAY NEED TO CHECK YOUR WITHHOLDING If you can answer "yes"...

Since you last filed Form W-4 with your employer did you... Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to ...

Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? Your tax credits?

### To any of these or you owed extra tax when you filed your last return,

you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website.

Employer: Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

### **Workers' Compensation**

#### IF YOU ARE INJURED

You should report any on-the-job injury to your supervisor, employer, or insurer as soon as possible. You must report the accident within 30 days. A sole proprietor, partner, manager of a manager-managed limited liability company, member of a member-managed limited liability company, or corporate officer covered under the Montana Workers' Compensation Act must report an accident to the insurer within 30 days.

Report minor injuries to your employer whether or not you receive medical treatment. After you report the injury, your employer has 6 days to notify their insurer. You must submit a written First Report of Injury within 12 months from the date of the accident. You can submit this form to your employer, insurer, or the Department of Labor and Industry. All employees sustaining a compensable work related injury or occupational disease, other than those who are exempted by statute (Section 39-71-401, MCA), are covered for medical and wage-loss benefits.

You have the right to choose your initial treating physician. You may continue to receive treatment from your physician unless you receive written notice of referral to a preferred provider or a managed care organization. After providing you with a referral notice, the insurance carrier is no longer liable for treatment provided by your physician unless authorization is obtained to continue treatment.

> For specific information about this policy, call or write your employer's insurance carrier. For general information about workers' compensation, call or write: Montana Department of Labor and Industry, Employment Relations Division P.O. Box 8011, Helena, MT 59604-8011, Phone (406) 444-6543.

> > FAILURE TO POST THIS SIGN OR POSTING AN ALTERED SIGN IN THE WORKPLACE WILL RESULT IN A \$50 FINE AGAINST THE EMPLOYER!

### **Discrimination**

#### **MONTANA LAW PROHIBITS DISCRIMINATION & RETALIATION** in employment, housing, education, public accommodations, credit, finance, insurance, & state / local government.

Discrimination is unlawful if based on one of these protected classes:

ANY AGE RACE/COLOR RELIGION/CREED	PHYSICAL DISABILITY NATIONAL ORIGIN VACCINATION STATUS	MENTAL DISABILITY MARTIAL STATUS FAMILIAL STATUS IN HOUSING	
SEX		POLITICAL BELIEFS	

POLITICAL BELIEFS IN GOVERNMENTAL SERVICES

Department if the hazards are not abated DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL **POSTING INSTRUCTIONS:** UNDER PROVISIONS OF ARM 24.30.104(2), EMPLOYERS MUST POST THIS NOTICE OR FACSIMILE IN A CONSPICUOUS PLACE

• administers the Montana Safety Act (Title 50, Chapter 71, MCA), the Montana Occupational Health Act (Title 50, Chapter 70, MCA) and the Montana Safety Culture Act (Title 39, Chapter 71, Section 1501, MCA)

PUBLIC EMPLOYMENT IN MONTANA DUTIES EMPLOYERS:

• must post notices of safety hazards identified by Department of

Labor and Industry personnel at the location of the hazard or at a

occurring at that workplace (the Montana Form 200 or Montana

• must comply with all occupational safety and health standards

• must furnish a safe place of employment for all employees

• must maintain a log of occupational injuries and illnesses

• must protect the life and safety of all employees

location where employees routinely congregate

• conducts periodic workplace safety and health inspections • supports public agencies for all occupational safety and health concerns

### **Payday Notice**

**PAYDAY IS ON** 

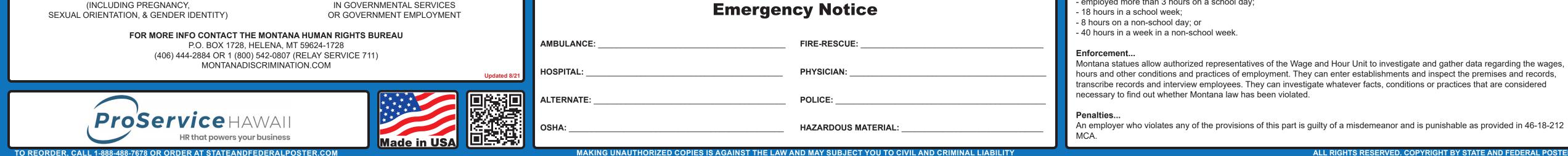
MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY

PAY SCHEDULE IS

\_ TIME: \_\_\_\_\_

UWEEKLY DBI-WEEKLY SEMI-MONTHLY MONTHLY

PAYCHECKS ARE ISSUED ON THE



(INCLUDING PREGNANCY

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