

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25

 PER HOUR

BEGINNING JULY 24, 2009

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

OVERTIME PAY At least 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 mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to 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.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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



WH1088 REV 07/16



OREGON

MINIMUM WAGE RATES

Effective July 1, 2019 to June 30, 2020

An employer shall pay an employee no less than the minimum wage rate for the region in which the employer is located. (See region descriptions below.)

Standard:	\$11.25 per hour
Portland Metro:	\$12.50 per hour
Nonurban Counties:	\$11.00 per hour

All employers must comply with state laws regulating payment of minimum wage, overtime and general working conditions.

Regions

The “**Standard**” rate applies to the following counties, with the exception of those areas located within the urban growth boundary of a metropolitan service district: Benton, Clackamas, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

The rate for “**Portland Metro**” includes areas located within the urban growth boundary of a metropolitan service district.

The rate for “**Nonurban Counties**” applies to the following counties: Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

Employer Location

Employers are required to pay their employees at least the minimum wage rate in effect for the region where the employer is located. Employees who perform more than 50% of their work in a pay period at the employer’s permanent fixed business location in Oregon must be paid at least the minimum wage rate for the region in which the employer’s business is located. Employees who make deliveries as a part of their job and who start and end their workday at the employer’s permanent fixed business location must be paid at least the minimum wage rate for the region in which the employer’s business is located. Employees who do not perform more than 50% of their work in a pay period at the employer’s permanent fixed business location in Oregon must

be paid at least the minimum wage rate for the region in which the employee performs work.

General Working Conditions

Overtime: Unless exempt, employees must be paid time and one-half the regular rate of pay for any time worked over 40 hours a week or, for domestic workers residing in the home of the employer, over 44 hours a week.

Tips: Employers may not use tips as credit toward minimum wages owed to an employee.

Deductions: Employers may make deductions from wages that are required by law; authorized by a collective bargaining agreement; are for the fair market value of meals and lodging provided for the private benefit of the employee; are for the employee’s benefit and are authorized in writing; or for an item in which the employer is not the ultimate recipient and the employee has voluntarily signed an authorization. An itemized statement of deductions made from wages must be provided with each paycheck.

Time records must be kept by employers for at least two years. **Payroll records** must be kept by employers for at least three years.

Regular paydays must be established and maintained. A pay period may not exceed 35 days.

Meal periods of not less than 30 minutes must be provided to non-exempt employees who work six or more hours in one work period. Ordinarily, employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an

employee to perform duties during a meal period so long as they are paid. When that happens, the employer must pay the employee for the entire meal period.

Paid rest periods of at least 10 minutes for adults (15 minutes for minors) must be provided during each four-hour work period or major part of four hours worked. (There are narrow exceptions for adult employees working alone in retail/service establishments.) Certain employers are required to provide additional rest periods to employees to express milk for a child. With the exception of certain tipped food and beverage service workers, meal and rest periods may not be waived or used to adjust working hours; however, meal and rest period provisions may be modified by the terms of a collective bargaining agreement.

Final paychecks: When an employee is discharged by an employer or the employee and employer mutually agree to the termination, the final paycheck is due no later than the end of the first business day after the discharge. If an employee quits with 48 hours or more notice, wages are due on the last working day (excluding Saturdays, Sundays and holidays). If an employee quits without at least 48 hours notice, wages are due in five days (excluding Saturdays, Sundays and holidays) or on the next payday, whichever occurs first. (There are some exceptions. Contact the nearest Bureau of Labor and Industries office for information.)

Domestic Service Employment: Special rules apply to persons employed as domestic workers. Contact the Bureau of Labor and Industries for more information.

Employees may be eligible for the **Earned Income Tax Credit** (EITC or EIC), a benefit for working people with low to moderate income, particularly those with children. EITC reduces the amount of tax owed and may provide a refund. Visit these websites for additional information about how to qualify:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>

Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>

For Additional Information

Contact the Bureau of Labor and Industries:

Online: www.oregon.gov/boli • Email: whdscreeener@boli.state.or.us

Eugene 541-686-7623 Technical Assistance for Employers Program: 971-673-0824

Portland 971-673-0761 TTY: 711

Salem 503-378-3292

PENALTIES: Willful failure to pay wages due to an employee upon termination may be penalized by continuation of the employee’s wages up to a maximum of 30 days.

This is a summary of Oregon’s laws relating to minimum wage and working conditions. It is not a complete text of the law.

THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION



OREGON EQUAL PAY LAW

PAY HISTORY	Effective October 6, 2017 , employers are prohibited from seeking the pay history of employment applicants and employees before the employer makes an offer of employment to the prospective employee that includes an amount of compensation.
UNLAWFUL PRACTICES	Effective January 1, 2019 , it is an unlawful employment practice under ORS chapter 659A (Unlawful Discrimination laws) for an employer to: <ul style="list-style-type: none">• Discriminate in any manner between employees on the basis of an employee’s status as a member of a protected class in the payment of wages or other compensation for work of comparable character;• Pay wages or other compensation to any employee at a rate greater than that at which the employer pays wages or other compensation to employees of a protected class for work of a comparable character;• Screen job applicants based on current or past compensation;• Determine compensation for a position based on current or past compensation of a prospective employee (not including a current employee of the employer during a transfer, move or hire of the employee to a new position with the same employer);• Seek the pay history of an applicant or employee from the applicant or employee or a current or former employer of the applicant or employee before the employer makes an offer of employment to the prospective employee that includes an amount of compensation.
ADDITIONAL PROVISIONS	Also effective January 1, 2019: <ul style="list-style-type: none">• Employers may not reduce the compensation of any employee in order to comply with the law;• Amounts owed to an employee because of a failure of an employer to comply with the requirements of the Equal Pay Law are considered “unpaid wages” under the law;• Employees who assert violations of the Equal Pay Law may file complaints with the Civil Rights Division of BOLI or a civil action within one year after the occurrence of the unlawful practice;• An unlawful compensation practice is deemed to have occurred each time compensation is paid pursuant to a discriminatory compensation decision or other practice;• Notice of claim against public bodies (tort claim notices) must be given within 300 days of discovery of the alleged loss or injury.
OTHER PROVISIONS	See BOLI website for additional information regarding: <ul style="list-style-type: none">• Permitted circumstances for paying employees performing work of a comparable character at different compensation levels;• Legal remedies under the law; and• Provisions for employer equal pay analyses as a defense in the award of compensatory and punitive damages.

For additional information, contact the Bureau of Labor and Industries:

www.oregon.gov/boli

Portland: 971-673-0761 Eugene: 541-686-7623
Salem: 503-378-3292 TTY: 711
Technical Assistance for Employers Program: 971-673-0824

This is a summary of the provisions of the Oregon Equal Pay Law. It is not a complete text of the law.
THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION



NOTICE

DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT OR STALKING PROTECTIONS

ALL EMPLOYERS WITH 6 OR MORE EMPLOYEES IN OREGON ARE REQUIRED TO PROVIDE REASONABLE LEAVE AND ALL EMPLOYERS IN OREGON ARE REQUIRED TO PROVIDE REASONABLE SAFETY ACCOMMODATIONS FOR VICTIMS OF DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT, OR STALKING (DVHSAS).

What qualifies as a Reasonable Safety Accommodation?

“Reasonable safety accommodation” may include, but is not limited to, a transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.

Who is eligible for Reasonable Safety Accommodation protections under this law?

Any employee who is a victim of DVHSAS, or is the parent or guardian of a minor child or dependent who is a victim of DVHSAS, regardless of how long or how many hours he or she has worked for the employer.

When may an employee take leave?

Employees may take leave for the following purposes:

- To seek legal or law enforcement assistance to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to DVHSAS.
- To seek medical treatment for or to recover from injuries caused by DVHSAS to the eligible employee or the employee’s minor child or dependent.
- To obtain or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of DVHSAS.
- To obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent.

Is notice required?

A covered employer may require that an eligible employee give reasonable advance notice of the employee’s intention to take leave, unless giving the advance notice is not practicable. The covered employer may also require the eligible employee to provide certification that the employee or the employee’s minor child or dependent is a DVHSAS victim.

Confidentiality: Any documents or evidence provided as certification of the victim’s status, or information obtained by the employer regarding the need for accommodation or leave, must be kept confidential and may not be released without the express permission of the employee.

Paid or unpaid leave?

A covered employer is not required to grant leave with pay to an eligible employee. However, an eligible employee may use any vacation, sick or other paid leave that is available during the period of leave. Subject to the terms of any agreement between the eligible employee and the covered employer or the terms of a collective bargaining agreement or an employer policy, the covered employer may determine the order in which paid accrued leave is to be used when more than one type of paid accrued leave is available to the employee.

Length of leave?

A covered employer must allow an eligible employee to take reasonable leave and may only limit the amount of leave if the employee’s leave creates an “undue hardship” on the employer. Undue hardship means a significant difficulty and expense to the organization and includes consideration of the size of the organization and the employer’s critical need for the employee.

FOR ADDITIONAL INFORMATION:

Employer Assistance.....	971-673-0824	BOLI
Portland.....	971-673-0761	Civil Rights Division
Eugene.....	541-686-7623	800 NE Oregon, #1045
Salem.....	503-378-3292	Portland, OR 97232

www.oregon.gov/BOLI

January 2019

This is a summary of Oregon’s laws relating to Domestic Violence, Harassment, Sexual Assault, or Stalking Protections. It is not a complete text of the law.

It is an unlawful employment practice for a covered employer to refuse to make a reasonable safety accommodation, discharge, refuse to hire, suspend, retaliate or discriminate in any manner against an individual because they are a victim of DVHSAS.

THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION



Oregon

FAMILY LEAVE ACT

NOTICE TO EMPLOYERS AND EMPLOYEES

The Oregon Family Leave Act (OFLA) requires employers of 25 or more employees to provide eligible workers with protected leave to care for themselves or family members in cases of death, illness, injury, childbirth, adoption and foster placement. ORS 659A.150 - 659A.186

When can an employee take family leave?

Employees can take family leave for the following reasons:

- **Parental Leave** during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
- **Serious health condition leave** for the employee's own serious health condition, or to care for a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent in law, parent of same-gender domestic partner, grandparent, grandchild, a person whom the employee is or was a relationship of in loco parentis, biological, adopted, foster or step child of an employee or the child of an employee's same-gender domestic partner.
- **Pregnancy disability leave** (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care.
- **Sick child leave** taken to care for an employee's child with an illness or injury that requires home care but is not a serious health condition.
- **Bereavement leave** to deal with the death of a family member.
- **Oregon Military Family Leave** is taken by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

Who is eligible?

To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.

Exception 1: For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.

Exception 2: For Oregon Military Family Leave, workers are eligible if they have worked at least an average of 20 hours per week, without regard to the duration of employment.

Exception 3: For compensable Workers Compensation injuries, for certain Workers Compensation injuries involving denied and then accepted claims and for certain accepted claims involving more than one employer.

Exception 4: When an employee is caring for a family member with a serious health condition and the same family member dies, the employee need not requalify with the 25 hour per week average to be eligible for bereavement leave

How much leave can an employee take?

- Employees are generally entitled to a maximum of 12 weeks of family leave within the employer's 12-month leave year.
- A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
- A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
- Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.
- A spouse or same gender domestic partner of a service member is entitled to a total of 14 days of leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment.

What notice is required?

Employees may be required to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employers may require that notice is given in writing. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

Is family leave paid or unpaid?

- Although Family Leave is unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.
- Employees are entitled to group health insurance benefits during family leave as if they continued working.

How is an employee's job protected?

Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee's leave.

FOR ADDITIONAL INFORMATION:

Employer Assistance..... 971-673-0824 BOLI
 Portland..... 971-673-0761 Civil Rights Division
 Eugene..... 541-686-7623 800 NE Oregon, #1045
 Salem..... 503-378-3292 Portland, OR 97232

www.oregon.gov/BOLI

January 2019

This is a summary of laws relating to Oregon Family Leave Act. It is not a complete text of the law.

Employees who have been denied available leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from leave, may file a complaint with BOLI's Civil Rights Division.

THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION



Bureau of Labor and Industries

REQUIREMENTS OF OREGON'S SICK TIME LAW

Effective January 1, 2016, employers that employ employees in the state of Oregon are required to implement sick time policies and provide sick time to employees. Employers are also required to provide employees with a notice of the law's provisions. This notice is intended to summarize the major provisions of the law, but should not be relied upon as a full and complete summary of the law. The full text of the law and administrative rules adopted by the bureau are available at www.oregon.gov/boli.

How much sick time does the law require? Employees begin accruing sick time on the first day of employment and earn one (1) hour of sick time for every 30 hours worked or 1 1/3 hours for every 40 hours worked. Employees may use accrued sick time on the 91st calendar day of employment and may use sick time as it is accrued.

Employers may choose to simply give employees ("front load") 40 hours of sick time at the beginning of the year rather than track the number of sick time hours accrued. Employers may also select the 12-month period to be used as the designated "year", e.g., calendar year, fiscal year, employee anniversary date, etc.

Employees may carry over up to 40 hours of unused sick time from one year to the next; however, employers may adopt policies that limit employees to accruing no more than 80 hours of sick time or using no more than 40 hours of sick time in a year.

Paid time off (PTO) policies that include time off for other purposes (such as vacation and other personal time off) comply with the sick time law as long as the policy is substantially equivalent to or more generous than the requirements of the law. "Substantially equivalent" means that employees are allowed to use at least the same number of hours for the same purposes under the same or more generous rules as outlined in this notice.

Employees must use accrued sick time in hourly increments unless to do so would pose an undue hardship to the employer, in which case the employer may require sick time to be taken in minimum increments of four hours if the employer allows employees to use at least 56 hours of paid leave per year for absences covered by this law.

When must sick time be paid? Employers with 10 or more employees in the state (6 or more if the employer maintains a location in Portland) must pay employees for sick time taken at the employee's regular rate of pay. All other employers must provide unpaid sick time.

The number of all employees employed by the employer in Oregon must be counted – including full-time, part-time and temporary employees.

Notices and Verification: In addition to providing a notice to employees of the requirements of the law, employers are required to provide **quarterly notifications** to employees of the amounts of accrued and unused sick time.

Employers may require employees to provide notices, verifications and certifications for using sick time under certain circumstances. For example, if the need for sick time is foreseeable, employers may require employees to provide up to 10 days' notice of the need to use sick time. Refer to the law and rules for more information.

Discrimination/Retaliation Prohibited: It is unlawful for an employer to deny, interfere with, restrain or fail to pay for sick time to which an employee is entitled; or retaliate or in any way discriminate against an employee because the employee has inquired about the provisions of the law, submitted a request for or taken sick time. Complaints may be filed with the Bureau of Labor and Industries.

Collective Bargaining Agreement Exception: The sick time law does not apply to certain employees who are covered by a collective bargaining agreement, employed through a hiring hall and whose benefits are provided by a joint multi-employer-employee trust or benefit plan.

For what purposes may sick time be used?

Employees are entitled to use sick time for the following purposes:

- For an employee's or family member's mental or physical illness, injury or health condition or need for medical diagnosis of these conditions or need for preventive medical care.
- To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.
- To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek medical treatment, legal or law enforcement assistance, remedies to ensure health and safety, or to obtain other services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.
- To donate sick time to another employee for qualifying purposes if the employer has a policy allowing such donations.
- For certain public health emergencies including closure by a public official of the employee's place of business, school or place of care of the employee's child, or a determination by a public health authority or health care provider that the presence of the employee or a family member presents a health risk to others.

Bullying harms employees, employers, and businesses by creating a disrespectful, unhealthful, and nonproductive work environment. Workplace bullying generally is not illegal in Oregon, however, it is harmful and in some cases can lead to lawsuits based on discrimination. Oregon and federal laws protect individuals who are harassed and discriminated against because of their race, national origin, gender, veteran status, or other protected class status.

What is workplace bullying?

Workplace bullying is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades or humiliates an employee. Bullying situations may involve:

- Bosses or supervisors against their subordinates
- Employees against their peers
- A group of co-workers targeting another worker (mobbing)
- An organization or institution when bullying is entrenched and becomes accepted as part of the workplace culture
- A third party such as a client or customer who bullies an employee

Managers and supervisors who have high expectations, present a tough demeanor, identify areas requiring improved performance, or impose discipline within established workplace guidelines are not engaging in bullying as long as their actions are carried out in a respectful and fair manner.

Examples of situations and actions commonly considered bullying:

Abusive Work Environment: The bully makes physical or verbal threats against the target, insults, or publicly humiliates them. The bully spreads malicious untruthful information or gossip to intimidate or turn others against the target.

Undermining and Discrediting: The bully makes false accusations of incompetence, blames target for others' errors, and/or takes credit for target's successes at work.

Retaliation: The target experiences intentional exclusion and ostracism after raising concerns. This may also include retaliatory loss of job opportunities or favored work activities and schedules when not related

What can I do if I'm being bullied?

Regain control! Bullying is about control, and therefore it has nothing to do with your performance. Here are some options for what you can do:

- Check if your organization has a code of conduct or workplace violence program that addresses intimidation or harassment at work.
- Carefully document bullying incidents (dates, times, places, what was done or said and who was present). Keep documents that contradict the bully's accusations, such as timesheets, emails, and audit reports. Assess whether changes in your own behavior could help resolve the situation.
- Set boundaries with the bully. If safe to do so, describe the offensive behavior and declare that you expect it to stop. The bully is likely to deny and even misconstrue your accusations initially. However, their behavior may improve over time. Having another person present as a witness and remaining calm can be helpful and strengthen your position if the bully responds negatively.
- Do not retaliate or escalate the behavior, because you may be blamed or subject to discipline.
- Report the problem to your supervisor, another manager, or to another "higher-up" at work. This is where the documentation will be helpful to demonstrate that you did not contribute to the situation.
- Find emotional support from trusted people at work, outside of work and at home.

Why it Matters

Workplace bullying often involves an abuse or misuse of power. Bullying behavior creates feelings of defenselessness and injustice in the target and undermines an individual's right to dignity at work. The targets of bullying may suffer from physical and mental health problems that can last for many years. Bullying can also reduce productivity, decrease retention, and increase employer health costs.

Targets of bullying frequently experience one or more of these significant impacts:

- Stress, depression, and sleep disorders
- Reduced self-esteem
- Increased physical illness and sick days
- Increased accidents and injuries
- Lack of focus and loss of effectiveness

Bullying can be costly for organizations too:

- Distraction and loss of productivity by the target, the bully, and bystanders
- Poor workplace morale and loss of reputation
- Possible investigations, grievances, and lawsuits
- Inability to recruit and retain good staff
- Increased medical costs and attendance issues

What can an employer do?

First and foremost, employers must recognize and prevent workplace bullying by creating a respectful workplace culture. If you are an employer, supervisor, or manager who is aware of bullying and do not take action, then you are accepting a share of the responsibility for future abuses. Take steps to:

- Develop a respectful workplace code of conduct that specifically prohibits bullying behavior and identifies consequences for employees who engage in bullying.
- Establish a culture where supervisors are expected to treat employees fairly and respectfully and engage in informal conflict resolution.
- Provide opportunities for confidential reporting and for mediated conflict resolution when needed.
- Educate all employees about respectful professional behavior and the company code of conduct.
- Take claims of bullying seriously and consistently enforce your workplace code of conduct.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one 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 parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued 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 insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- 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 employees.

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 employee 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 enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers 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 what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

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



Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. 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. 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.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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 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.

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

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

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.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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





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 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:

- ☆ 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
- ☆ 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.

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.

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 <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ 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.

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: <http://www.dol.gov/vets/programs/userra/poster.htm>. 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.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date — April 2017

IT'S THE LAW!

Know your rights

You have a right to a safe and healthful workplace

- You have the right to notify your employer or Oregon OSHA about workplace hazards. You may ask Oregon OSHA to keep your name confidential.
- You have the right to request an Oregon OSHA inspection if you believe that there are unsafe or unhealthy conditions in your workplace. You or your representative may participate in the inspection.
- You have the right to report a work-related injury or illness, without being retaliated against.
- You can file a complaint with the Oregon Bureau of Labor and Industries within 90 days, or with federal OSHA within 30 days, of discrimination by your employer for making safety and health complaints or for exercising your rights under the Oregon Safe Employment Act.
- Anyone who wants to register a complaint about the administration of the Oregon Safe Employment Act can do so by contacting:
**U.S. Department of Labor
OSHA Region X
1111 Third Ave., Suite 715
Seattle, WA 98101-3212
206-553-5930**
- You have a right to see Oregon OSHA citations issued to your employer. Your employer must post the citations at the workplace.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions. Additionally, you may request the workplace injury and illness log.
- You have the right to know about hazardous substances used in your workplace.

1-800-922-2689
osha.oregon.gov

FOR MORE INFORMATION, copies of the Oregon Safe Employment Act, specific safety and health standards, advice or assistance, call:

Salem Central Office..... 503-378-3272

Field Offices:

Bend 541-388-6066

Eugene 541-686-7562

Medford 541-776-6030

Pendleton..... 541-276-9175

Portland 503-229-5910

Salem 503-378-3274



A Division of the
Department of Consumer
and Business Services



The Oregon Safe Employment Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the state. The Oregon Occupational Safety and Health Division (Oregon OSHA) of the Department of Consumer and Business Services has the primary responsibility for administering the act.

Oregon OSHA issues occupational safety and health standards, and its trained safety and health compliance officers conduct job-site inspections to ensure compliance with the Oregon Safe Employment Act.

Oregon OSHA has a staff of trained safety and health professionals available to work with businesses in all industries to improve workplace safety and health. Consultations and training opportunities are available at no charge to Oregon businesses by calling any of the phone numbers listed.

NOTICE IS HEREBY GIVEN
THAT THE EMPLOYER SHOWN BELOW IS SUBJECT TO
OREGON EMPLOYMENT DEPARTMENT LAW

If you become unemployed or are employed less than full time, you may be eligible for unemployment insurance benefits. However, if you quit work without good cause or are fired or suspended for misconduct:

- You will be denied benefits until you have returned to work and,
- In order to requalify you must be separated from the new work for a non-disqualifying reason and,
- Your maximum benefits payable to you will be reduced.

**OREGON CONFERENCE OF SEVENTH DAY
ADVENTISTS**

For further information on how to file an unemployment insurance claim go to:
www.WorkingInOregon.org

This form is required to be posted in your place of business. This is notice to your employees that you are registered with the Employment Department and those employees may be eligible for unemployment insurance benefits if they become unemployed. To obtain a Spanish version please contact us at our central help number: 503-947-1488

WorkSource Oregon Employment Department is an equal opportunity employer/program

NO SMOKING OR VAPING WITHIN 10 FEET



Under Oregon's Indoor Clean Air Act this business is smoke, aerosol and vapor free (ORS 433.835-870). Smoking, aerosolizing or vaporizing of inhalants is not allowed within 10 feet of building entrances, exits, windows, accessibility ramps and air intake vents.

For information and complaints:

1-866-621-6107 or <http://healthoregon.org/morefreshair>

Want to quit smoking?

1-800-QUIT-NOW (800-784-8669)
or 1-855-DEJELO-YA (Espanol)

SMOKEFREE
oregon