



## **2020 minimum wage: \$13.50 per hour**

Washington's minimum wage will be \$13.50 per hour beginning Jan. 1, 2020. Workers who are 14 or 15 years old may be paid 85% of the adult minimum wage, or \$11.48 per hour.

For more information about Washington's minimum wage law, see the required workplace poster *Your Rights as a Worker* or visit [www.Lni.wa.gov/Workers-Rights](http://www.Lni.wa.gov/Workers-Rights).

## It's the law! Employers must post this notice where employees can read it.

Every worker is entitled to workers' compensation benefits. You cannot be penalized or discriminated against for filing a claim. For more information, call toll-free **1-800-547-8367**.

### If a job injury occurs

Your employer is insured through the Department of Labor & Industries' workers' compensation program. If you are injured on the job or develop an occupational disease, you are entitled to workers' compensation benefits.

#### Benefits include:

**Medical care.** Medical expenses resulting from your workplace injury or disease are covered by the workers' compensation program.

**Disability income.** If your work-related medical condition prevents you from working, you may be eligible for benefits to partially replace your wages.

**Vocational assistance.** Under certain conditions, you may be eligible for help in returning to work.

**Partial disability benefits.** You may be eligible for a monetary award to compensate for the loss of body functions.

**Pensions.** Injuries that permanently keep you from returning to work may qualify you for a disability pension.

**Death benefits for survivors.** If a worker dies, the surviving spouse or registered domestic partner and/or dependents may receive a pension.

### About required workplace posters

Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) to learn more about workplace posters from L&I and other government agencies.

### On the Web: [www.Lni.wa.gov](http://www.Lni.wa.gov)

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

### What you should do

**Report your injury.** If you are injured, no matter how minor the injury seems, contact the person listed on this poster.

**Get medical care.** The first time you see a doctor, you may choose any health-care provider who is qualified to treat your injury. For ongoing care, you must be treated by a doctor in the L&I medical network. (Find network providers at [www.Lni.wa.gov/FindADoc](http://www.Lni.wa.gov/FindADoc).)

Qualified health-care providers include: medical, osteopathic, chiropractic, naturopathic and podiatric physicians; dentists; optometrists; ophthalmologists; physician assistants; and advanced registered nurse practitioners.

**Tell your health-care provider and your employer about your work-related injury or condition.** The first step in filing a workers' compensation (industrial insurance) claim is to fill out a Report of Accident (ROA). You can do this online with FileFast ([www.Lni.wa.gov/FileFast](http://www.Lni.wa.gov/FileFast)), by phone at 1-877-561-FILE, or on paper in your doctor's office. Filing online or by phone speeds the claim and reduces hassle.

**File your claim as soon as possible.** For an on-the-job injury, you must file a claim and the Department of Labor & Industries (L&I) must receive it within one year after the day the injury occurred. For an occupational disease, you must file a claim and L&I must receive it within two years following the date you are advised by a health-care provider in writing that your condition is work related.

### Report your injury to:

Oregon Conference, Human Resources Dept  
503-850-3500

#### Helpful phone numbers:

911  
Ambulance

Fire

Police



**¡Es la ley!** Los empleadores deben colocar este aviso en un lugar donde puedan leerlo los empleados.

Cada trabajador tiene derecho a recibir beneficios del programa de compensación al trabajador. Usted no puede ser penalizado ni discriminado por haber presentado un reclamo. Para más información, llame a la línea gratuita **1-800-547-8367**.

## Si ocurre una lesión en el trabajo...

Su empleador está asegurado a través del programa de compensación al trabajador del Departamento de Labor e Industrias. Si usted sufre una lesión en el trabajo o desarrolla una enfermedad ocupacional, tiene derecho a recibir beneficios del programa de compensación al trabajador.

### Los beneficios incluyen:

**Atención médica.** Los gastos médicos que resulten de su lesión o enfermedad ocurrida en el trabajo están cubiertos por el programa de compensación al trabajador.

**Ingresos por discapacidad.** Si no puede trabajar como resultado de su lesión o enfermedad ocupacional, podría tener derecho a recibir beneficios de sustitución parcial de su salario.

**Asistencia vocacional.** Bajo ciertas condiciones, usted podría tener derecho a recibir ayuda para regresar a trabajar.

**Beneficios de discapacidad parcial.** Usted podría recibir una indemnización monetaria para compensarlo por la pérdida de funciones corporales.

**Pensiones.** Usted podría tener derecho a una pensión por discapacidad si sus lesiones no le dejan volver a trabajar en forma permanente.

**Beneficios para los sobrevivientes.** Si un trabajador fallece, el cónyuge o pareja doméstica registrada y/o los dependientes sobrevivientes podrían recibir una pensión.

### Sobre los carteles requeridos en el lugar de trabajo

Vaya a [www.Lni.wa.gov/IPUB/101-054-999.asp](http://www.Lni.wa.gov/IPUB/101-054-999.asp) para aprender más sobre los carteles del lugar de trabajo de L&I y otras agencias del gobierno.

### En Internet: [www.Lni.wa.gov](http://www.Lni.wa.gov)

*A petición del cliente, hay ayuda disponible para personas que hablan otros idiomas y otros formatos alternos de comunicación para personas con discapacidades. Llame al 1-800-547-8367. Usuarios de dispositivos de telecomunicaciones para sordos (TDD, por su sigla en inglés) llamen al 360-902-5797. L&I es un empleador con igualdad de oportunidades.*

## Lo que usted debe hacer...

**Reporte su lesión.** Si usted se lesiona, aún cuando la lesión parezca ser mínima, póngase en contacto con la persona indicada en este cartel.

**Obtenga atención médica.** La primera vez que usted visite a un doctor, usted puede escoger a cualquier proveedor de cuidado de la salud que esté calificado para tratar su lesión. Para cuidado continuo, usted debe recibir tratamiento de un doctor de la red de proveedores médicos de L&I. (Encuentre proveedores de la red en [www.Lni.wa.gov/Spanish/ClaimsIns/Claims/FindADoc](http://www.Lni.wa.gov/Spanish/ClaimsIns/Claims/FindADoc)).

Los proveedores de cuidado de la salud calificados incluyen: médicos generales, osteópatas, quiroprácticos, médicos de naturopatía y podiatría, dentistas, optometristas, oftalmólogos, asistentes de doctor y enfermeras registradas de práctica avanzada.

**Dígale a su proveedor de cuidado de la salud y a su empleador sobre su lesión o condición relacionada con el trabajo.** El primer paso para presentar un reclamo de compensación para los trabajadores (seguro industrial) es llenar un Reporte de Accidente (ROA, por su sigla en inglés). Usted puede hacer esto en línea con FileFast ([www.Lni.wa.gov/FileFast](http://www.Lni.wa.gov/FileFast) — en inglés solamente), por teléfono al 1-877-561-3453 o llenar el formulario en la oficina de su doctor. Presentando un reclamo en línea o por teléfono acelera el reclamo y reduce las complicaciones.

**Registre su reclamo lo más pronto posible.** Para lesiones en el trabajo, debe presentar un reclamo y el Departamento de Labor e Industrias (L&I) debe recibirlo dentro de un año a partir del día en que ocurrió la lesión. Para una enfermedad ocupacional, usted debe presentar un reclamo y L&I debe recibirlo dentro de los dos años después de la fecha en que su proveedor de cuidado de la salud le avisó por escrito que su condición está relacionada con su trabajo.

## Reporte su lesión a:

(El empleador llena este espacio)

### Números de teléfono:

Ambulancia

Bomberos

Policía



It's the law! Employers must post this notice where employees can read it.  
(Chapter 49.17 RCW)

All workers have the right to a safe and healthy workplace.

**Employees** — Your employer must protect you from hazards you encounter on the job, tell you about them and provide training.

**You have the right to:**

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection, without loss of wages or benefits.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- File a complaint with L&I within 30 days if you believe your employer fired you, or retaliated or discriminated against you because you filed a safety complaint, participated in an inspection or any other safety-related activity.
- Appeal a violation correction date if you believe the time allowed on the citation is not reasonable.

**The law requires you to follow workplace safety and health rules that apply to your own actions and conduct on the job.**

**Employers** — You have a legal obligation to protect employees on the job.

**Employers must provide workplaces free from recognized hazards that could cause employees serious harm or death.**

**Actions you must take:**

- Comply with all workplace safety and health rules that apply to your business, including developing and implementing a written accident prevention plan (also called an APP or safety program).
- Post this notice to inform your employees of their rights and responsibilities.
- Prior to job assignments, train employees how to prevent hazardous exposures and provide required personal protective equipment at no cost.
- Allow an employee representative to participate in an L&I safety/health inspection, without loss of wages or benefits. The L&I inspector may talk confidentially with a number of employees.
- If you are cited for safety and/or health violations, you must prominently display the citation at or near the place of the violation for a minimum of three days. You cannot remove it until you correct the violation.

**Firing or discriminating against any employee for filing a complaint or participating in an inspection, investigation, or opening or closing conference is illegal.**



**Employers must report all deaths, in-patient hospitalizations, amputations or loss of an eye.**

Report any work-related death or in-patient hospitalization to L&I's Division of Occupational Safety and Health (DOSH) within 8 hours.

Report any work-related non-hospitalized amputation or loss of an eye to DOSH within 24 hours.

For any work-related death, in-patient hospitalization, amputation or loss of an eye, you must report the following information to DOSH:

- Employer contact person and phone number.
- Name of business.
- Address and location where the work-related incident occurred.
- Date and time of the incident.
- Number of employees and their names.
- Brief description of what happened.

**Where to report:**

- Any local L&I office or
- 1-800-423-7233, press 1 (available 24/7)

This poster is available free from L&I at [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters).

**Free assistance from the Division of Occupational Safety and Health (DOSH)**

- Training and resources to promote safe workplaces.
- On-site consultations to help employers identify and fix hazards, and risk management help to lower your workers' compensation costs.



Division of Occupational Safety and Health



[www.Lni.wa.gov/Safety](http://www.Lni.wa.gov/Safety)



1-800-423-7233

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

# Ley de seguridad y salud en el trabajo

¡Es la ley! Los empleadores deben colocar este aviso en un lugar donde puedan leerlo los empleados.

Todos los trabajadores tienen derecho a un lugar de trabajo seguro y saludable.

**Empleados** — Su empleador debe protegerlo de los peligros que encuentra en el trabajo, informarle sobre ellos y proporcionarle capacitación.

**Usted tiene el derecho de:**

- Notificarle a su empleador o a L&I sobre los peligros en el lugar de trabajo. Usted puede pedirle a L&I que mantenga su nombre confidencial.
- Solicitar una inspección de L&I del lugar donde trabaja si cree que existen condiciones no saludables o inseguras. Usted y el representante de los empleados pueden participar en una inspección.
- Obtener copias de sus archivos médicos, incluyendo los archivos sobre exposiciones a sustancias o condiciones tóxicas y peligrosas.
- Presentar una queja con L&I dentro de 30 días si usted piensa que su empleador lo despidió o tomó represalias o lo discriminó porque presentó una queja de seguridad, participó en una inspección u otra actividad de seguridad relacionada.
- Apelar la fecha de corrección de una violación, si usted considera que el tiempo permitido en la citación no es razonable.

**La ley requiere que usted siga las reglas de seguridad y salud en el lugar de trabajo que se apliquen a sus propias acciones y conducta en el trabajo.**

**Empleadores** — Ustedes tienen la obligación legal de proteger a los empleados en el trabajo.

**Los empleadores deben proporcionar lugares de trabajo libres de riesgos reconocidos que puedan causar lesiones serias o muerte a los empleados.**

**Acciones que usted debe tomar:**

- Cumpla con todas las reglas de seguridad y salud en el lugar de trabajo que se apliquen a su negocio, incluyendo el desarrollo y la implementación de un Plan de Prevención de Accidentes por escrito (también llamado un APP en inglés o un programa de seguridad).
- Ponga este aviso en un lugar visible para informarle a los empleados de sus derechos y responsabilidades.
- Antes de asignar trabajos, capacite a los empleados sobre cómo prevenir exposiciones peligrosas y proporcione el equipo de protección personal requerido sin costo alguno.
- Permítale a un representante de los empleados que participe en una inspección de seguridad/salud de L&I sin descontarle salarios o beneficios. Es posible que el inspector de L&I hable en forma confidencial con otros empleados.
- Si recibe una citación por una violación de salud y seguridad usted debe poner a la vista la citación en o cerca del lugar de la violación por un mínimo de tres días. No la puede quitar hasta que se corrija la violación.

**Es ilegal despedir o discriminar a cualquier empleado por haber presentado una queja o por haber participado en una inspección, investigación o conferencias de apertura o cierre de las mismas.**



**Los empleadores deben reportar todas las muertes, hospitalizaciones de pacientes, amputaciones o pérdida de ojos.**

Reporte a la División de Seguridad y Salud Ocupacional (DOSH) de L&I sobre cualquier muerte u hospitalización relacionada con el trabajo dentro de 8 horas.

Reporte a DOSH sobre cualquier amputación sin hospitalización o pérdida de un ojo dentro de 24 horas.

Para cualquier muerte relacionada con el trabajo, hospitalización, amputación o pérdida de un ojo, debe reportar la siguiente información a DOSH:

- Nombre del empleador y número de teléfono.
- Nombre del negocio.
- Dirección y lugar donde ocurrió el incidente
- Fecha y hora del incidente.
- Número de empleados y sus nombres.
- Breve descripción de lo sucedido.

**Dónde reportar:**

- Cualquier oficina local de L&I o
- Puede llamar a DOSH al 1-800-423-7233, presione 1 (disponible las 24 horas)

Este cartelón es gratis y está disponible en el sitio Web de L&I en [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters).

**Ayuda gratuita de la División de Salud y Seguridad (DOSH)**

- Capacitación y recursos para promover lugares de trabajo seguros.
- Consultas en su lugar de trabajo para ayudar a los empleadores a identificar y corregir peligros y manejo de riesgos para reducir los costos de compensación para los trabajadores.



División de Seguridad y Salud Ocupacional



[www.Lni.wa.gov/Seguridad](http://www.Lni.wa.gov/Seguridad)



1-800-423-7233

*A petición del cliente, hay ayuda disponible para personas que hablan otros idiomas y otros formatos alternos de comunicación para personas con discapacidades. Llame al 1-800-547-8367. Usuarios de dispositivos de telecomunicaciones para sordos (TDD, por su sigla en inglés) llamen al 360-902-5797. L&I es un empleador con igualdad de oportunidades.*

## It's the law!

Employers must post this notice where employees can read it.

## Wage and Overtime Laws

### Workers must be paid the Washington minimum wage

#### Need to know the current minimum wage?



Scan QR code at left or see "Contact L&I" below.

- Most workers who are 16 years of age or older must be paid at least the minimum wage for all hours worked.
- Workers who are 14 or 15 may be paid 85% of the minimum wage.

*Tips cannot be counted as part of the minimum wage.*

### Overtime pay is due when working more than 40 hours

Most workers must be paid one and one-half times their regular rate of pay for all hours worked over 40 in a fixed seven-day workweek. Agricultural workers are generally exempt from overtime.

## Workers Need Meal and Rest Breaks

### Meal period

Most workers are entitled to a 30-minute unpaid meal period if working more than five hours in a day. If you must remain on duty during your meal period, you must be paid for the 30 minutes. Agricultural workers are entitled to a second 30-minute unpaid meal period if they work more than 11 hours in a day.

### Breaks

- Most workers are entitled to a 10-minute paid rest break for each four hours worked and must not work more than three hours without a break.
- Agricultural workers must have a 10-minute paid rest break within each four-hour period of work.
- If you are under 18, see "Teen Corner" below.

## Pay Requirements

### Regular Payday

Workers must be paid at least once a month on a regularly scheduled payday. Your employer must give you a pay statement showing the number of hours worked, rate of pay, number of piece work units (if piece work), gross pay, the pay period and all deductions taken.

For more information regarding authorized deductions, go to [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights) and click on "Pay Requirements."

### Equal Pay Opportunity Act

Under this law, your employer is prohibited from providing unequal pay or career advancement opportunities based on gender. You also have the right to disclose, compare, or discuss your wages or the wages of other employees. Your employer cannot take any adverse action against you for discussing wages, filing a complaint, or exercising other protected rights under the Equal Pay Opportunity Act. For more information or to file a complaint, see: [www.Lni.wa.gov/EqualPay](http://www.Lni.wa.gov/EqualPay).

## Teen Corner – Information for Workers Ages 14–17

- The minimum age for work is generally 14, with different rules for ages 14–15 and for ages 16–17.
- Employers must have a minor work permit to employ teens. This requirement applies to family members except on family farms. Teens do not need a work permit.
- Teens are required to have authorization forms signed before they begin working. For summer employment, parents must sign the Parent Authorization for Summer Work form. If you work during the school year, a parent and a school official must sign the Parent/School Authorization form.
- Many jobs are not allowed for anyone under 18 because they are not safe.
- Work hours are limited for teens, with more restrictions on work hours during school weeks.

### Meal and rest breaks for teens

- In agricultural work, teens of any age get a meal period of 30 minutes if working more than five hours, and a 10-minute paid break for each four hours worked.
- In all other industries, teens who are 16 or 17 must have a 30-minute meal period if working more than five hours, and a 10-minute paid break for each four hours worked. They must have the rest break at least every three hours.
- Teens who are 14 or 15 must have a 30-minute meal period no later than the end of the fourth hour, and a 10-minute paid break for every two hours worked.

To find out more about teens in the workplace:

- Go to [www.Lni.wa.gov/TeenWorkers](http://www.Lni.wa.gov/TeenWorkers).
- Call toll-free: 1-866-219-7321.
- Email a question to [TeenSafety@Lni.wa.gov](mailto:TeenSafety@Lni.wa.gov).

## Leave Laws

### Paid sick leave (effective January 1, 2018)

Most workers earn a minimum of one hour of paid sick leave for every 40 hours worked. This leave may be used beginning on the 90th calendar day of employment. Employers must provide employees with a statement that includes their accrued, used and available hours of this leave at least once per month. This information may be provided on your regular pay statement or as a separate notification. Workers must be allowed to carry over a minimum of 40 hours of any unused paid sick leave to the following year. For details on authorized use, accrual details, and eligibility, see [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave).

### Washington Family Care Act: Use of paid leave to care for sick family

Employees are entitled to use their choice of any employer provided paid leave (sick, vacation, certain short-term disability plans, or other paid time off) to care for:

- A child with a health condition requiring treatment or supervision;
- A spouse, parent, parent-in-law, or grandparent with a serious health condition or an emergency health condition; and
- Children 18 years and older with disabilities that make them incapable of self-care.

### Washington Family Leave Act

This act provides additional leave for pregnancy and childbirth. It covers employers with 50 or more employees. Employees must have worked for an employer at least 1,250 hours in the previous 12 months to be eligible. For more information regarding qualifications and benefits, see [www.Lni.wa.gov/WorkplaceRights/LeaveBenefits](http://www.Lni.wa.gov/WorkplaceRights/LeaveBenefits).

Pregnancy disability leave is covered under the Washington State Law Against Discrimination (WLAD) and enforced by the Washington State Human Rights Commission: [www.hum.wa.gov](http://www.hum.wa.gov) or 1-800-233-3247.

Eligible employees can enforce their right to protected family and medical leave under the Family and Medical Leave Act (FMLA) by contacting the U.S. Department of Labor at: [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla) or 1-866-487-9243.

### Leave for victims of domestic violence, sexual assault or stalking

Victims and their family members are allowed to take reasonable leave from work for legal or law enforcement assistance, medical treatment, counseling, relocation, meetings with their crime victim advocate, or to protect their safety. Employers are also required to provide reasonable safety accommodations to victims. For more information, see [www.Lni.wa.gov/DomesticViolenceLeave](http://www.Lni.wa.gov/DomesticViolenceLeave).

### Leave for military spouses during deployment

Spouses or registered domestic partners of military personnel who receive notice to deploy or who are on leave from deployment during times of military conflict may take a total of 15 days unpaid leave per deployment.

**Your employer may not fire or retaliate against you for exercising your rights under, or filing a complaint alleging violations of, the Minimum Wage Act which includes paid sick leave or any of the protected leave laws.**

### Paid Family and Medical Leave

Administered by Washington's Employment Security Department

Starting in 2020, Washington will offer paid family and medical leave benefits to workers. This insurance program will be funded by premiums paid by both employees and many employers. Workers will be allowed to take up to 12 weeks, as needed, when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative, and for certain military connected events. As directed by the Legislature, premium assessment started on January 1, 2019 and benefits can be taken starting January 1, 2020. For more information, see: [paidleave.wa.gov](http://paidleave.wa.gov).

## Contact L&I

### Need more information?

#### Questions about filing a worker rights complaint?

Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)  
Call: 1-866-219-7321, toll-free  
Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)  
Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

### About required workplace posters

Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) to learn more about workplace posters from L&I and other government agencies.

## Human trafficking is against the law

For victim assistance, call the National Human Trafficking Resource Center at 1-888-373-7888, or the Washington State Office of Crime Victims Advocacy at 1-800-822-1067.

Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.

► **¡Es la ley!** Los empleadores deben publicar este aviso donde los trabajadores puedan leerlo.

## Leyes para salario y horas extras

### Los trabajadores deben recibir el salario mínimo de Washington

#### ¿Necesita saber cuál es el salario mínimo actual?



Escanee el código QR de la izquierda o vea "Comuníquese con L&I" más adelante.

- La mayoría de los trabajadores que tengan 16 años de edad o más deben recibir al menos el salario mínimo por todas las horas trabajadas.
- Los trabajadores de 14 o 15 años de edad pueden recibir el 85% del salario mínimo.

*Las propinas no pueden contarse como parte del salario mínimo.*

### Se debe pagar horas extra cuando se trabaje más de 40 horas

La mayoría de los trabajadores deben recibir una vez y media el pago regular por todas las horas trabajadas que pasen de 40 horas en una semana fija de trabajo de siete días. Generalmente, los trabajadores agrícolas están exentos de las horas extras.

## Los trabajadores necesitan descansos para comer y descansos laborales

### Descanso para comer

La mayoría de los trabajadores tienen derecho a un descanso para comer no pagado de 30 minutos si trabajan más de cinco horas por día. Si debe permanecer en sus tareas durante el descanso para comer, debe recibir pago por esos 30 minutos. Los trabajadores agrícolas tienen derecho a un segundo descanso para comer no pagado de 30 minutos si trabajan más de 11 horas por día.

### Descansos laborales

- La mayoría de los trabajadores tienen derecho a un descanso pagado de 10 minutos por cada cuatro horas trabajadas y no deben trabajar más de tres horas sin descanso.
- Los trabajadores agrícolas deben tener un descanso pagado de 10 minutos dentro de cada periodo de cuatro horas trabajadas.
- Si tiene menos de 18 años, vea la sección "Esquina de adolescentes" más adelante.

## Requisitos de pago

### Día de pago regular

Los trabajadores deben recibir su pago al menos una vez al mes en un día de pago programado. Su empleador debe darle un recibo de pago que muestre el número de horas trabajadas, la tarifa de pago, el número de unidades de trabajo a destajo (si trabaja a destajo), el pago neto, el periodo de pago y todas las deducciones que se hayan aplicado.

Para obtener más información sobre las deducciones autorizadas, visite [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights) y haga clic en "Pay Requirements" (requisitos de pago).

### Ley de Igualdad de Pago y Oportunidades

Bajo esta ley, su empleador tiene prohibido proporcionar un pago desigual u oportunidades de desarrollo profesional basados en el género. Usted también tiene derecho a dar a conocer, comparar o hablar sobre su salario o el salario de otros empleados. Su empleador no puede tomar ninguna acción negativa contra usted por hablar sobre salarios, presentar una queja o ejercer otros derechos protegidos bajo la Ley de Igualdad de Pago y Oportunidades. Para mayor información o para presentar una queja, visite: [www.Lni.wa.gov/EqualPay](http://www.Lni.wa.gov/EqualPay).

## Esquina de adolescentes: trabajadores entre 14 y 17 años de edad

- La edad mínima para trabajar generalmente es de 14 años, con reglas diferentes para trabajadores de 14 a 15 años y de 16 a 17.
- Los empleadores deben tener un permiso de trabajo de menores para emplear a adolescentes. Este requisito se aplica a los miembros de la familia, excepto en granjas familiares. Los adolescentes no necesitan un permiso de trabajo.
- Los trabajadores adolescentes deben tener firmados los formularios de autorización antes de comenzar a trabajar. Para los empleos de verano, los padres deben firmar el formulario de Autorización de los padres para los empleos de verano. Si trabaja durante el año escolar, uno de los padres y un funcionario escolar también debe firmar el formulario de Autorización de los padres o la escuela.
- Varios trabajos no están permitidos para menores de 18 años porque no son seguros.
- La jornada laboral está limitada para los adolescentes, con más restricciones en las horas de trabajo durante las semanas de asistencia a clases.

### Descansos para comer y descansos laborales para adolescentes

- En el trabajo agrícola, los adolescentes de cualquier edad tienen un descanso para comer de 30 minutos si trabajan más de cinco horas y un descanso pagado de 10 minutos por cada cuatro horas trabajadas.
- En todas las demás industrias, los adolescentes de entre 16 y 17 años deben tener un descanso para comer de 30 minutos si trabajan más de cinco horas y un descanso pagado de 10 minutos por cada cuatro horas trabajadas. Deben tener un descanso al menos cada tres horas.
- Los adolescentes de entre 14 y 15 años deben tener un descanso para comer de 30 minutos antes del final de la cuarta hora y un descanso pagado de 10 minutos por cada dos horas trabajadas.

Para saber más sobre los adolescentes en el lugar de trabajo:

- Visite [www.Lni.wa.gov/TeenWorkers](http://www.Lni.wa.gov/TeenWorkers).
- Llame sin costo al: 1-866-219-7321.
- Envíe su pregunta por correo electrónico a [TeenSafety@Lni.wa.gov](mailto:TeenSafety@Lni.wa.gov).

## Leyes para permisos de ausencia

### Licencia pagada por enfermedad (a partir del 1 de enero de 2018)

La mayoría de los trabajadores obtienen un mínimo de una hora de permiso por enfermedad por cada 40 horas trabajadas. Este permiso puede utilizarse a partir del 90° día natural de empleo. Los empleadores deben proporcionar a los trabajadores una declaración que incluya las horas acumuladas, utilizadas y disponibles de este permiso al menos una vez al mes. Esta información puede proporcionarse en el recibo de pago regular o por medio de una notificación por separado. Los trabajadores deben poder transferir para el siguiente año por lo menos 40 horas que no hayan utilizado de este permiso. Para mayor información sobre el uso autorizado, la acumulación y los requisitos visite [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave).

### Ley del Cuidado de la Familia de Washington: uso de ausencia pagada para cuidar a familiares enfermos

Los trabajadores tienen derecho a usar cualquier permiso pagado que provee su empleador (por enfermedad, vacaciones, algunos planes de discapacidad a corto plazo u otro descanso pagado) para cuidar de:

- un hijo con una condición de salud que requiera tratamiento o supervisión
- un cónyuge, padre, suegro o abuelo con una condición de salud grave o una condición de salud de emergencia
- hijos de 18 años o más con discapacidades que les impidan cuidarse a sí mismos

### Ley de Licencia Familiar de Washington

Esta ley proporciona un permiso adicional por embarazo y nacimiento. Cubre a los empleadores con 50 o más trabajadores. Los trabajadores deben haber trabajado para un empleador al menos 1,250 horas en los últimos 12 meses para tener derecho a este permiso. Para mayor información sobre los derechos y beneficios, visite [www.Lni.wa.gov/WorkplaceRights/LeaveBenefits](http://www.Lni.wa.gov/WorkplaceRights/LeaveBenefits).

El permiso de incapacidad por embarazo está cubierto de conformidad con la Ley Contra la Discriminación de Washington (Washington State Law Against Discrimination, WLAD), y es implementado por la Comisión de Derechos Humanos del Estado de Washington: [www.hum.wa.gov](http://www.hum.wa.gov) o 1-800-233-3247.

Los trabajadores que reúnan los requisitos pueden hacer cumplir su derecho de obtener permisos para cuidar a familiares y por enfermedad conforme a la Ley de Licencia Médica y Familiar (Family and Medical Leave Act, FMLA) comunicándose al Departamento del Trabajo de los Estados Unidos en: [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla) o al 1-866-487-9243.

### Licencia para víctimas de violencia doméstica, abuso sexual o acoso

Las víctimas y sus familiares tienen derecho a obtener un permiso de ausencia laboral razonable para recibir asistencia jurídica o de cumplimiento de la ley, tratamiento médico y asesoramiento, así como para reubicarse, reunirse con su abogado o proteger su seguridad. Los empleadores también tienen la obligación de proporcionar ajustes razonables de seguridad a las víctimas. Para mayor información visite [www.Lni.wa.gov/DomesticViolenceLeave](http://www.Lni.wa.gov/DomesticViolenceLeave).

### Licencia para cónyuges de militares durante un despliegue militar

Los cónyuges o las parejas domésticas registradas del personal militar que reciba una notificación de despliegue o que tenga una licencia para ausentarse del despliegue durante el transcurso de un conflicto militar, pueden obtener un permiso de ausencia no pagada por un total de 15 días por despliegue.

**Su empleador no puede despedirlo o tomar represalias contra usted por ejercer sus derechos o por presentar una queja sobre supuestas violaciones de la Ley del Salario Mínimo, que incluye permisos por enfermedad o cualquiera de las leyes de permisos protegidos.**

## Licencia Médica y Familiar Pagada

### Administrada por el Departamento de Seguridad en el Empleo del estado de Washington

A partir de 2020, Washington ofrecerá a los trabajadores beneficios pagados de Licencia Médica y Familiar. Este programa de seguro será financiado por las primas pagadas tanto por los trabajadores como por muchos empleadores. A los trabajadores se les permitirá tomar hasta 12 semanas, según sea necesario, cuando acojan a un nuevo hijo en su hogar, sufran una enfermedad o lesión grave, necesiten cuidar a un familiar enfermo y, para ciertos eventos relacionados con el ejército. Según lo indicado por la Legislatura, la determinación de la prima comenzó el 1 de enero de 2019 y los beneficios pueden tomarse a partir del 1 de enero de 2020. Para mayor información visite [paidleave.wa.gov](http://paidleave.wa.gov).

## Comuníquese con L&I

### ¿Necesita más información? ¿Tiene preguntas sobre cómo presentar una queja de derechos del trabajador?

En línea: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)  
Llame al: 1-866-219-7321, sin costo  
Visite: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)  
Correo electrónico: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

### Sobre los carteles requeridos para el lugar de trabajo

Vaya a [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters) para conocer más detalles sobre los carteles para el lugar de trabajo de Labor e Industrias (Labor & Industries, L&I) y otras agencias gubernamentales.

## La trata de personas es contra la ley

Si necesita ayuda para víctimas, llame al Centro Nacional de Recursos de Trata de Personas al 1-888-373-7888, o a la Oficina de Defensa de Víctimas de Crímenes del Estado de Washington al 1-800-822-1067.

A petición del cliente, hay ayuda disponible para personas que hablan otros idiomas y otros formatos alternos de comunicación para personas con discapacidades. Llame al 1-800-547-8367. Usuarios de dispositivos de telecomunicaciones para sordos (TDD, por su sigla en inglés) llamen al 360-902-5797. L&I es un empleador con igualdad de oportunidades.

# Paid time off. Peace of mind.

Paid Family and Medical Leave provides paid time off when a serious health condition prevents you from working, when you need to care for a family member or a new child, or for certain military-related events. It's here for you when you need it most, so you can focus on what matters.

## How it works



**Nearly every Washington worker—whether you work full time or part time in a small to large business—is eligible for up to 12 weeks of Paid Family and Medical Leave.** You need to work 820 hours in Washington, or about 16 hours per week, over the course of about a year. You can get up to 16 weeks if you have family and medical events in the same year, or up to 18 weeks in some cases. Leave doesn't have to be taken all at once. You can use these weeks within your "claim year," which starts when you apply and then runs for the next 52 weeks. When that claim year expires you can then be eligible for leave again.

You apply for leave with the Employment Security Department and will get partial wage replacement, up to 90 percent of your typical pay, capped at \$1,000 per week.

## Your rights



**If you meet the requirements, you have the right to take paid time off using Paid Family and Medical Leave.**

If you qualify for Paid Family and Medical Leave, your employer cannot prevent you from taking it. Your employer also cannot require you to use other types of leave, such as sick or vacation days, before or after taking Paid Family and Medical Leave. The program is funded by premiums shared between workers and many employers. The premium is 0.4% of your wage. You may pay about 2/3 of that total, and your employer (if they have 50 or more employees) pays the rest. A calculator to estimate premiums is available on our website.

To file a complaint against your employer about Paid Family and Medical Leave, email or call our Customer Care Team at [paidleave@esd.wa.gov](mailto:paidleave@esd.wa.gov) or (833) 717-2273.

You may also contact the Office of the Paid Family and Medical Leave Ombuds. The Ombuds is appointed by the governor and serves as a neutral, independent third party to help workers and employers in their dealings with the Department. The Office of the Ombuds investigates, reports on and helps settle complaints about service deficiencies and concerns with the Paid Family and Medical Leave program. Learn more at [www.paidleaveombuds.wa.gov](http://www.paidleaveombuds.wa.gov) or call the Ombuds' office at 844-395-6697.

Learn more and apply at  
[paidleave.wa.gov](http://paidleave.wa.gov)

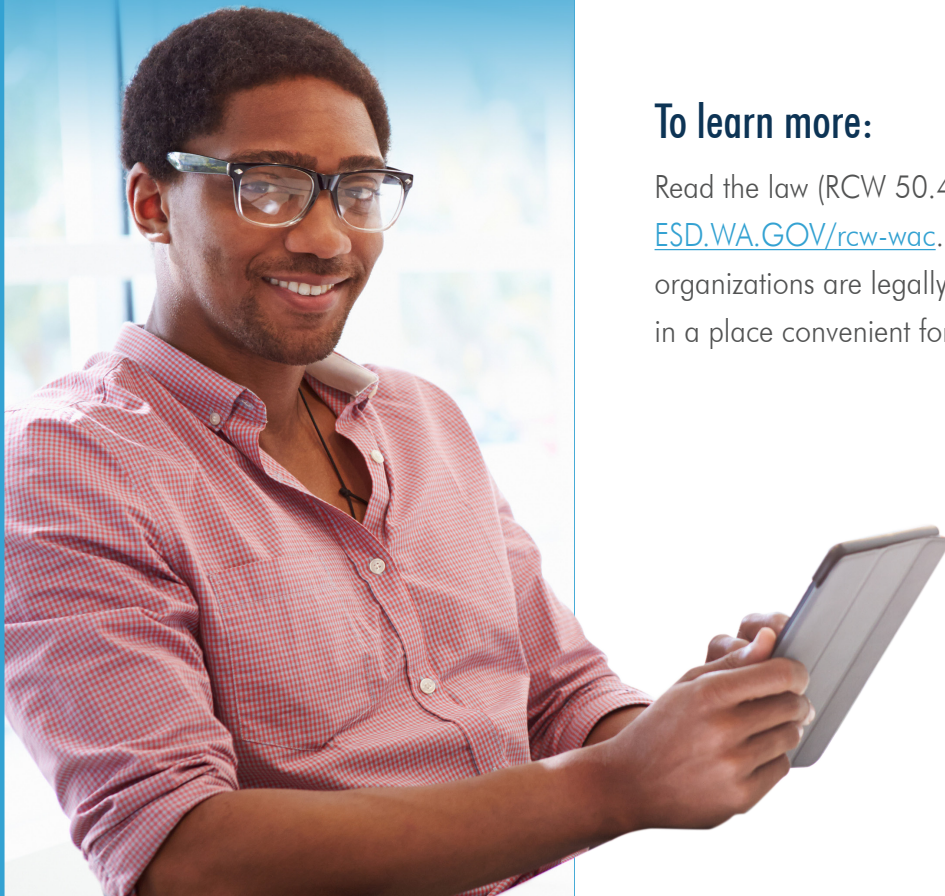
Washington  
Paid Family & Medical Leave

 Employment  
Security  
Department  
WASHINGTON STATE



# Losing your job?

You may not be eligible for unemployment benefits



## State law says...

the wages you earn while working for a church or religious organization cannot be used for unemployment purposes unless your employer has elected to provide unemployment coverage to its employees. This means you may or may not qualify for unemployment benefits if you lose your job. If you are unsure if you are covered and want to know, ask your employer.

You may otherwise be eligible for benefits if you worked for an employer other than a church or religious organization in the last two years. Log onto [ESD.WA.GOV](http://ESD.WA.GOV) or call 800-318-6022 to apply.

## To learn more:

Read the law (RCW 50.44.040(1)) at [ESD.WA.GOV/rcw-wac](http://ESD.WA.GOV/rcw-wac). Churches and religious organizations are legally required to post this notice in a place convenient for all employees to read.



**Employment  
Security  
Department**  
WASHINGTON STATE

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

ESD.WA.GOV

# Everyone deserves a healthy relationship



## No one ever deserves to be mistreated.

Abuse is a pattern of behavior that one person uses to gain power and control over another. These behaviors can include isolation, emotional abuse, monitoring, controlling finances, or physical and sexual assault.

Everyone should be free to make their own choices in relationships. If you are experiencing harm or need advice, call the National Domestic Violence Hotline. You can reach their advocates 24/7/365 to get the support you deserve. No names, no fees, and no judgement. Just help. 800-799-SAFE (7233) or 800-787-3224 (TTY).

[www.thehotline.org](http://www.thehotline.org)

You can also find a program in your area that can help. Find out more about what kind of help is available at [wscadv.org/get-help-now](http://wscadv.org/get-help-now).



**Employment Security Department**

WASHINGTON STATE

Workplace posters available at [esd.wa.gov](http://esd.wa.gov)

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

# 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](http://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](http://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](mailto: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 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](http://www.dol.gov/whd)



WH1088 REV 07/16

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

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

### PROHIBITIONS

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](http://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

# 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](http://www.dol.gov/whd)**

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

