

# LOUISIANA **Employment Laws**

7. In or about sawmills or cooperage stock mills;

Commission at 225-342-7824.)

In logging operations;

**Specific Violations: Penalty** 

than six months, or both.

**Continuing Violations: Penalty** 

R.S. 23:241

dollars (\$500) for each violation which occurs.

shall, with respect to such minor, constitute a separate offense.

upon request to individuals with disabilities. 1-800-259-5154 (TDD)

**POSTER COMPLIANCE DATE 06/2018** 

In the operation of power-driven woodworking machines, or off-bearing from

As a driver of any motor vehicle on a public road if they are 16 years of age

11. In the operation of passenger or freight elevators or hoisting machines;

or to dangerous or poisonous dyes and chemicals;

of alcoholic beverages for consumption on the premises.

or injurious to the life, health, safety or welfare of such minors.

or younger. Minors 17 years of age or older may be employed, permitted, or

suffered to work as a driver of a motor vehicle only under certain restrictions.

(For an explanation of these restrictions contact the Louisiana Workforce

12. In spray painting or in occupations involving exposure to lead or its compounds,

13. In any place or establishment in which the sale of alcoholic beverages, as defined

performing in a band on the premises under written contract with the holder

of the alcoholic beverage permit for a specified time period and is under direct

establishment holding a duly issued retail dealer's alcoholic beverage permit or

business of the establishment may employ anyone under the age of 18 provided

the minor's employment does not involve the sale, mixing, dispensing, or serving

In any other place of employment or in any other occupation that the Director of

Workforce Development shall, after public hearing thereon determine hazardous

Employs, permits or suffers a minor to work in violation of the provision of this

Refuses to the Director of Workforce Development or authorized representatives

the Director of Workforce Development or representatives in the performance of

Hides or causes any minor to escape or gives him warning of the approach of any

Violates any other provisions of this Part for which a penalty is not otherwise

five hundred (\$500), or imprisoned for not less than thirty (30) days nor more

penalty provided above, be liable for a civil penalty not to exceed five hundred

Any person who violates these provisions shall, in addition to the criminal

Each day during which any violation of these provisions continues shall constitute a

**separate offense** and the employment of any minor in violation of these provisions

**Louisiana Workforce Commission** 

www.laworks.net

REV. 08/18/2011

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provided, shall be fined not less than one hundred dollars (\$100) nor more than

officer charged with the enforcement of the provision of this Part; or

admission to the premises where minors are employed, or otherwise obstructs

license, for which the sale of alcoholic beverage does not constitute the main

in R.S. 26:241, constitutes its main business, unless the minor is a musician

supervision of his parent or legal guardian during such time. Any place or

# Minor Labor Law Placard

### Title 23, Chapter 3 of Revised Statutes of 1950 as Amended

No minor under the age of 18 years shall be employed until the employer has procured and has on file an employment certificate for such minor issued by the city or parish superintendent of schools.

No minor under the age of 14 years may be employed, permitted, or suffered to work except as provided in RS 23:151.

Youths 14 and 15 years old may work outside school hours in various nonmanufacturing, non-mining, non-hazardous jobs under the following conditions, if no

- 3 hours on a school day or 18 hours in a school week;
- 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

No minor under the age of 18 years may be employed, permitted, or suffered to work for any five hour period without one interval of at least thirty minutes within such period for meals. Such interval shall not be included as part of the working hours of the

There are no time standards for minors 16 and 17 years of age regarding the numbers of hours worked per day or per week, however, minors shall receive an eight hour rest break at the end of each work day, before the commencement of the next day of work.

For purposes of the following items, a day during which school is in session will be that designated as such by the local school superintendent for the school district in which the minor resides.

- No minor 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day.
- No minor 17 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day.
- No minor under 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m., except from June 1 through Labor Day, at which time the permissible hours are extended to 9:00 p.m.
- No minor under the age of 16 years shall be employed, permitted, or suffered to work more than three hours each day on any day when school is in session, nor more than eighteen hours in any week when school is in session.

### **Prohibited Employment**

Minors (except those indentured as apprentices in accordance with Chapter 4 of Revised Statutes, Title 23) shall not be employed, permitted, or suffered to work in the

- 1. In oiling, cleaning, or wiping machinery or shafting, or in applying belts to
- In or about any mine or quarry:
- In or about places where stone cutting or polishing is done;
- 4. In or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of the same;
- In or about iron or steel manufacturing plants, ore reduction works, smelters, foundries, forging shops, hot rolling mills, or in any other place in which the heat treatment of metals is done:
- In the operation of machinery used in the cold rolling of heavy metals, or in operation of power-driven machinery for punching, shearing, stamping, bending, or planing metals;

# **Out-of-State Motor Vehicles**

# **Duties of employees and employers**

Any person who is a resident of a state which requires registration of the motor vehicle or motor vehicles of a person who is employed in that state within thirty days of such employment, and who is employed in and maintains a residence in Louisiana and who operates one or more vehicles on the public streets and roads in Louisiana shall apply for a certificate of registration for each of those vehicles within thirty days of the date on which the person was employed in Louisiana.

Each employer in this state shall notify each person employed by that employer of the requirement of Subsection A of this Section. The notice shall be by direct communication at the time of employment and by posting a notice in a prominent location at the place of employment.

The provisions of this Section shall not be applicable to members actively serving in the armed forces of the United States.

This notice must be posted in a conspicuous place, setting forth information to

effectuate this purpose. R.S. 47:501.1 **Louisiana Workforce Commission** www.laworks.net

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REV. 07/2004

## **Workforce Commission Independent Contractor or Employee?**

## ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND **SUBCONTRACTORS:**

The law says that you are an employee unless:

You are free from direction and control in performing your job,

- You perform work that is not part of the usual work done by the business that hired you **OR** is not performed on the business's premises, **AND**
- You are customarily engaged in an independently established trade, occupation, profession or business.

# Your employer cannot consider you to be an independent

contractor unless all three of these facts apply to your work. IT IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES AS INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.

# **Employee Rights:**

- If you are an employee, you are entitled to:
- Unemployment benefits, if unemployed through no fault of your own, able to work, and meet other eligibility requirements

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Workers' Compensation benefits for on-the-job injuries.

It is a violation of this law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a lawsuit or both. If you have questions about whether you are an employee or independent contractor, or you want to file a complaint, call the Louisiana Workforce Commission Fraud Hotline at **1-(800)-201-3362**.

# Independent Contractors:

If you are an independent contractor, you must pay all taxes required by Louisiana and Federal Law.

**Employer Consequences:** 

Pursuant to Louisiana Employment Security Law R.S. 23:1711 (G): Penalties for misclassifying a worker as an independent contractor include:

- Fines of up to \$500 per worker per instance
- Imprisonment for up to 90 days

Prohibited from contracting with any state agency or political subdivision of the state for three years.

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 23:1711

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# **Commission on Human Rights**

Louisiana law forbids genetic discrimination and limits genetic testing in the

## **Definitions**

Key terms are used to establish specific genetic discrimination and privacy protections. They are as follows:

- "Genetic monitoring" is the periodic examination of employees to evaluate changes to their genetic material that may have developed in the course of employment due to exposure to toxic substances in the workplace.
- "Genetic services" are defined as the health services provided to obtain, assess, or interpret genetic information for diagnostic or therapeutic purposes, or for genetic education or counseling.
- "Genetic test" means the analysis of human DNA, RNA, chromosomes, and those proteins and metabolites used to detect heritable or some somatic disease-related genotypes or karyotypes for clinical purposes. It must be generally accepted in the scientific and medical communities to qualify under this definition.
- "Protected genetic information" is information about the genetic tests of an individual or that of an individual's family members, or the occurrence of a disease, or medical condition or disorder in family members of the individual.

Louisiana law also provides that an employer, labor organization or employment agency shall not discriminate on the basis of protected genetic information, and an employer, labor organization or joint labor management committee

# **Genetic Discrimination**

## **Genetics in the Workplace**

controlling apprenticeship, on-the-job training or other training program shall not discriminate on the basis of protected genetic information.

## **Exceptions**

An employer, labor organization or employment agency may request protected genetic information with an offer of employment. They may request, collect or purchase protected genetic information if there is a request for, or receipt of, genetic services and the effect of genetic monitoring of toxic substance shall be permitted in the workplace.

If you believe you have been discriminated against, please contact the Louisiana Commission on Human Rights at 1-888-248-0859 or visit us at www.gov.state.la.us/ HumanRights/humanrightshome.htm. LSA-R.S. 51:2231(c)

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose R.S. 23:302; R.S. 23:368 and 369

### **Louisiana Workforce Commission** www.laworks.net

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REV. 04/2010

## **Commission on Human Rights Sickle Cell Trait Discrimination**

## Prohibition of sickle cell trait discrimination; exceptions

- A. It is unlawful for an employer to engage in any of the following practices:
  - Fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual
  - Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because such individual has sickle cell trait.
- Reduce the wage rate of any employee in order to comply with the
- It is unlawful for an employment agency to fail to refer or refuse to refer for employment, or otherwise to discriminate against, any individual because such individual has sickle cell trait, or to classify or refer for employment any individual on the basis that such individual has sickle cell trait.
- It is unlawful for a labor organization to engage in any of the following practices: Exclude or expel from its membership, or otherwise discriminate against,
- any individual because of sickle cell trait. Limit, segregate, or classify its membership, or classify or fail to refer or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, solely because such individual has sickle cell trait.
- Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against

any individual, or for a labor organization to discriminate against any mem

- thereof or applicant for membership because such individual, member, or applicant for membership has opposed any practice made unlawful by this Section, or because the individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under the provisions herein.
- It is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such employment agency indicating any preference, limitation, specification, or discrimination based on sickle cell

## Acts 1997, No. 1409, §1

If you believe you have been discriminated against, please contact the Louisiana Commission on Human Rights at 1-888-248-0859 or visit us at www.gov.state.la.us/ HumanRights/humanrightshome.htm. LSA-R.S. 51:2231(c)

Every employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice, to be prepared by the Louisiana Workforce Commission, setting forth information as the department deems appropriate to effectuate the purposes of this Part. R.S. 23:352, 354

### **Louisiana Workforce Commission** www.laworks.net

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REV. 04/2010

# **Timely Payment of Wages**

**National Guard (ESGR) State Mandated Poster** 

your service in the uniformed services, contact the Employer Support of the Guard and Reserve Committee at

**Earned Income Credit EIC 2018** 

1-800-336-4590, or log on to www.ESGR.org, or e-mail questions to questions@LAESGR.com.

You have certain protected employment and re-employment rights, freedom from discrimination rights, and civil relief

rights. Under state and federal law, if you feel that you have been discriminated against or denied such rights on account of

Honoring your service.

Notice to Employees of Federal Earned Income Tax Credit (EIC)

which you may be eligible if you meet certain requirements. Additional information and child. The amount of Advance EITC was limited to 60 percent of the maximum credit

our employer has a duty to inform you at the time of your hire what your wage rate will be, how often you will be paid and how you will be paid, and of any subsequent

If your employer should, for reasons within his control, fail to pay you according to that agreement, you must first lodge a complaint with him.

If no action is taken to resolve your complaint, you may report the violation to the Louisiana Workforce Commission.

In the national guard, reserves, or on active duty?

**EMPLOYER SUPPORT OF THE GUARD AND RESERVE** 

Support your uniformed services, and place this poster in a conspicuous

place as required by law.

If you make \$49,000\* or less, your employer should notify you at the time of hiring

of the potential availability of Earned Income Tax Credits or Advance Earned Income

forms for these programs can be obtained from your employer or the Internal Revenue

\$49,194 (\$54,884 married filing jointly) with three or more qualifying children

Effective December 31, 2010, Advanced Federal Earned Income Tax Credit (AEITC)

The Education Jobs and Medicaid Assistance Act of 2010 signed into law August 10,

Individuals who received Advance EITC in any prior tax year should have filed a tax

return to report the payments even if they owed no tax or did not get a refund.

2010 repealed the Advance EITC. It will not be available to workers after December 31,

Credits. Earned Income Tax Credits are reductions in federal income tax liability for

\* Earned Income and adjusted gross income (AGI) must each be less than:

\$45,802 (\$51,492 married filing jointly) with two qualifying children

\$40,320 (\$46,010 married filing jointly) with one qualifying child

\$15,270 (\$20,950 married filing jointly) with no qualifying children

Advance Payments of EITC Eliminated

became unavailable to workers.

This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 23:633(D)

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**Louisiana Workforce Commission** 

An Equal Opportunity Employer/Program. Auxiliary aids and services are available upon

Advance EITC, also known as AEITC, allowed certain workers to receive EITC in

installments throughout the year, instead of a lump sum during the following filing

If you need more information regarding the EITC or prior Advanced EITC received,

Additional EITC resources are also available at the IRS EITC Home page:

Visit the IRS on the Web at www.irs.gov or call toll-free at 1-800-829-1040.

Director may designate, in a form to be furnished by the Executive Director.

request to individuals with disabilities. 1-800-259-5154 (TDD)

you should contact the IRS at 1-800-829-1040 or visit the IRS Website at www.irs.gov.

https://www.irs.gov/Credits-&-Deductions/Individuals/Earned-Income-Tax-Credit/EITC-

Every employer shall keep conspicuously posted in or about the premises wherein any

worker is employed, a printed copy or abstract of those labor laws which the Executive

**Louisiana Workforce Commission** 

**The Department of Labor** 

www.laworks.net

An Equal Opportunity Employer Program. Auxiliary aids and services are available upon

season. To qualify for Advance EITC, an individual must have had at least one qualifying

request to individuals with disabilities. 1-800-259-5154 (TDD)

payable for a worker with one qualifying child.

R.S. 23:15, 23:1018.2

Revised July 2018

Income-Limits-Maximum-Credit-Amounts-Next-Year.

**REV. 01/2016** 

## **Commission on Human Rights Age Discrimination**

### The prohibitions herein listed shall be limited to individuals who are at least forty years of age.

- A. It is unlawful for an employer to engage in any of the following practices:
  - Fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, or his terms, conditions, or privileges of employment because of the
  - Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of the individual's age.
- Reduce the wage rate of any employee in order to comply with the requirements herein.
- It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the individual's age, or to classify or refer for employment any individual on the basis of the individual's age.
- It is unlawful for a labor organization to engage in any of the following
  - Exclude or expel from its membership, or otherwise to discriminate against any individual because of his age.
- Limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant
- for employment, because of the individual's age. Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein.
- It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership because the individual, member, or applicant for membership has opposed any practice made unlawful by this Section, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any

manner in an investigation, proceeding, or litigation pursuant to the listed herein provisions.

- It is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the employer or membership in or any classification or referral for employment by such an employment agency indicating any preference, limitation, specification, or discrimination based
- It is not unlawful for an employer, employment agency, or labor organization to engage in any of the following practices:
  - Take any action otherwise prohibited under Subsection A, B, C, or E, where age is a bona fide occupational qualification reasonably necessary for the normal operation of the particular business, or where
  - the differentiation is based on reasonable factors other than age. Take any action otherwise prohibited under Subsection A, B, C, or E to observe the terms of a bona fide employee benefit plan, such as retirement, pension, or insurance plan, which is not a subterfuge to
- 3. Discharge or otherwise discipline an individual for good cause.

Acts 1997, No. 1409

If you believe you have been discriminated against, please contact the Louisiana Commission on Human Rights at 1-888-248-0859 or visit us at www.gov.state.la.us/ HumanRights/humanrightshome.htm.

Every employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises, setting forth information to effectuate this purpose.

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**REV. 04/2010** 

# **Unemployment Insurance**

**Notice to Workers** 

**Workforce Commission** 

### to post this notice in a conspicuous place. Your employer has contributed to the Louisiana Trust Fund from which benefits are paid. No amount of contributions to

You may be eligible to receive unemployment insurance benefits provided:

**Total Unemployment** 

the Trust Fund is deductible from your earnings.

You are unemployed. You have registered for work.

Your employer is subject to the Louisiana Employment Security Law and is required

You have been paid wages by employers subject to the Louisiana Employment Security Law during your base period in an amount sufficient to qualify you under the law.

You are able to work, available for work, and actively conducting a search for

## Disqualification

## You may be disqualified from drawing benefits on your claim if:

- You have left work voluntarily without good cause attributable to a substantial change made to the employment by the employer.
- You have been discharged for misconduct connected with your work. You fail without good cause to: (a) apply for available suitable work, (b) accept suitable work when offered, or (c) return to your customary
- self-employment when directed. You have been discharged for the use of illegal drugs.

# You may also be disqualified:

- For any week with respect to which the Administrator finds that your unemployment is due to a labor strike which is in active progress at the factory, establishment or other premises at which you are or were last
- employed, and in which you are participating, or in which you are interested. For any week with respect to which or a part of which you have received or are seeking unemployment benefits under an unemployment insurance law of another state or the United States.

If you make a false statement knowing it to be false or intentionally fail to disclose an important fact in order to receive or increase a benefit amount, you shall be disqualified for not more than the 52 weeks which immediately follow the week in which such determination is made and shall not be entitled to further benefits until cash repayment has been made or the claim for repayment has prescribed.

of a misdemeanor, and shall be fined not less than \$50 nor more than \$1,000 or imprisoned for not less than 30 days nor more than 90 days, or both, in the discretion of the court. Each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

To file a new unemployment claim, reopen an existing claim, file for weekly online, visit us on the Web at www.laworks.net. If you do not have access to the internet, or prefer to manage your Unemployment

# place of business. R.S. 23:1621

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## **Workforce Commission Workers' Compensation**

# **Reporting Injury**

You should report to your employer any occupational disease or personal

### **Occupational Disease or Death** In case of an occupational disease, all claims are barred unless the employee

- files a claim with his/her employer within one year of the date that:
- the employee is disabled as a result of the disease. the employee knows or has reasonable grounds to believe that the

disease is occupationally related. In case of death arising from an occupational disease, all claims are barred unless the dependent(s) file a claim with the deceased employee's employer

- within one year of:
- the date the claimant has reasonable grounds to believe that the death resulted from occupational disease.

In case of injury or death caused by a work-related accident, an injured employee or any person claiming to be entitled to compensation either as a claimant or as a representative of a person claiming to be entitled to compensation, must give notice to the employer within 30 days of the injury. If notice is not given within 30 days, no payments will be made for such injury or death. In addition, any fraudulent action by the employer, employee, or any other person for the purpose of obtaining or defeating any benefit or payment of workers' compensation shall subject such person to criminal as well as civil

The above mentioned notice should be filed with the employer at the address

the time, place, nature or cause of injury, or otherwise, unless it is shown that the employer was in fact misled to his detriment thereby. Failure to give notice may not harm the employee if the employer knew of the accident or if the employer was not prejudiced by the delay or failure to give notice.

In the event you are injured, you are entitled to select a physician of your choice for treatment. The employer may choose another physician and arrange an examination which you would be required to attend. Formal Claim

In order to preserve your right to benefits under the Louisiana Workers'

Compensation Law, you must file a formal claim with the Office of Workers'

Compensation Administration within one year after the accident if payments

### have not been made or within one year after the last payment of weekly benefits.

**Information** If you desire any information regarding your rights and entitlement to benefits as prescribed by law, you may call or write to the Office of Workers' Compensation Administration, Post Office Box 94040, Baton Rouge, Louisiana

70804-9040 or telephone (225) 342-7555. NAME AND ADDRESS OF INSURANCE COMPANY

Notice shall be given by delivering it or sending it by certified mail or return

receipt requested to:

R.S. 23:1302 states that this notice should be posted in a convenient and conspicuous

place in the employer's place of business. **Louisiana Workforce Commission** www.laworks.net

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**REV. 05/2003** 





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easily verify your

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evade the purpose herein except that no such employee benefit plan

shall excuse the failure to hire any individual.

request to individuals with disabilities. 1-800-259-5154 (TDD)

For any week with respect to which or a part of which you are receiving or have received other remuneration (i.e., Workers' Compensation, pensions, vacation pay, wages in lieu of notice, or severance pay).

n addition, the law provides: Whoever makes a false statement or representation to the Agency knowing it to be false, or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment under this Chapter, or under an employment security law of any other State, or the Federal Government, or of a foreign government, either for himself or for any other person, shall be guilty

unemployment benefits, or to get answers about your Unemployment Insurance

Insurance claim by phone, call the Unemployment Insurance Call Center at This notice must be posted in a convenient and conspicuous place in the employer's

# request to individuals with disabilities. 1-800-259-5154 (TDD)

injury that is work-related, even if you deem it to be minor.

# the disease manifests itself.

- the date of death

A notice so given shall not be held invalid because of any inaccuracy in stating

This poster is in compliance with state posting requirements.