

Since 1953

LABOR LAWS

FEDERAL



FED FED

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the

to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical

suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions,

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more

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

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN

READILY SEE IT.

WAGE AND HOUR DIVISION

EMPLOYEE RIGHTS UNDER

THE FAMILY AND MEDICAL LEAVE ACT

DEPARTMENT OF LABOR

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators.

to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

UNITED STATES

Federal Government to certain private individuals engaged in national security-related activities.

test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to

for pre-employment screening or during the course of employment.

take a test or for exercising other rights under the Act.

manufacturers, distributors and dispensers.

restrictive with respect to lie detector tests.

Employees or job applicants may also bring their own court actions.

U.S. Equal Employment Opportunity Commission

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Race, Color, Religion, Sex, Sexual Orientation, Gender Identity,

Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants Union members and applicants for membership in a union
- What Organizations are Covered?
- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability

WH1462

REV. 07/2016

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

What Employment Practices can be Challenged as **Discriminatory**?

- All aspects of employment, including:
- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability or a sincerely
- held religious belief, observance or practice
- Benefits
- Job training Classification
- Referral

Call

- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal:

National Origin Executive Order 11246, as amended, prohibits employment discrimination by

Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay

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

Disability

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

Protected Veteran Status

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Retaliation

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

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor

- 200 Constitution Avenue, N.W.
- Washington, D.C. 20210
- 1-800-397-6251 (toll-free)

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

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as

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 1¹/₂ times the regular rate of pay for all hours worked over 40 in a workweek. **CHILD LABOR**

FED

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

DEPARTMENT OF LABOR

UNITED STATES OF

AMERICA

TX

Overview

Minimum Wage Act.

The Texas Minimum Wage Act:

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.

contractors are not. Certain full-time students, student learners,

WAGE AND HOUR DIVISION



FED

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION LEAVE ENTITLEMENTS

PROHIBITIONS

EXEMPTIONS

employer

EXAMINEE RIGHTS

ENFORCEMENT

DEPARTMENT OF LABOR

UNITED STATES OF

AMERICA

- 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 1 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.
- 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,
- with information that enables employees to determine from a single document whether they have been paid correctly for a employees may take leave intermittently or on a reduced schedule.

mployees 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.

and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal

ENFORCEMENT

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

The Department has authority to recover back wages

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

certificates issued by the Department of Labor.

UNITED STATES DEPARTMENT

Minimum Wage Law

OF LABOR

apprentices, and workers with disabilities may be paid less than the minimum wage under special

www.dol.gov/whd

An individual has two years from the date wages were due to file

a lawsuit to recover the unpaid wages plus an additional equal

amount as liquidated damages. The employer can be assessed

Employers must provide employees a written earnings statemen

The primary exemption from the Texas Minimum Wage Act is

for any person covered by the federal Fair Labor Standards Act



WH1088

REV. 07/2016

Designates TWC as the agency responsible for disseminating information about state minimum wage requirements Contains provisions concerning agricultural piece rate workers

information about the employee's pay

Exempts a variety of employers from its coverage Provides civil remedies for its violation

TWC provides information to employers and employees about

Establishes a minimum wage for non-exempt employees

Requires covered employers to provide each employee

with a written earnings statement containing certain

their respective rights, duties and remedies under the Texas

Current Minimum Wage

Texas adopts the federal minimum wage rate. Effective July 24, 2009, the federal minimum wage is \$7.25 per hour. The Texas Minimum Wage Act does not prohibit employees from bargaining collectively with their employers for a higher wage. With specified restrictions, employers may count tips and the value of meals and lodging toward minimum wage. An employer does not need to pay an employee who lives on the business premises for on-call time in addition to assigned working hours.

Under certain conditions, an employer may pay a sub-minimum wage to an employee who is a patient or client of the Texas Department of Mental Health and Mental Retardation, or to other individuals due to age (see the law for details), or to productivity impairments

Wage Rate Complaints & Deadline

ΤX

Individuals who believe they have been paid at a rate lower than the law requires may choose to take legal action.

(FLSA) Other specific exemptions include Employment in, of or by religious, educational, charitable or nonprofit organizations

reasonable attorney's fees and court costs.

Earnings Statement

given pay period.

Exemptions

Professionals, salespersons or public officials Domestics Certain youths and students

Inmates Family members

- Amusement and recreational establishments Non-agricultural employers not liable for state unemployment contributions
- Dairying and production of livestock Sheltered workshops

Agricultural Piece Rates

The Commissioner of Agriculture establishes piece rates for agricultural commodities commercially produced in substantial quantities in Texas, if sufficient productivity information is available. The piece rates are intended to guarantee at least

minimum wage for harvesters of average ability and diligence while allowing harvesters to earn more by producing more

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor tandards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Child Labor Laws

Texas Workforce Commission Labor Law Section, Child Labor Enforcement **U.S. Department of Labor** Wage and Hour Division

For further information about Texas' child labor laws, call: 1-800-832-9243 (in Texas only) TDD 1-800-735-2989 This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children

under Texas state law. **MINIMUM AGE FOR EMPLOYMENT IS 14;** however, state and federal laws provide for certain exceptions. Please call TWC's Labor Law Section concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243

The following are prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

(5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means, (6) youth peddling, sign waving, or door-todoor sales, (7) poultry catching or cooping,

(8) lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or water amusement park), (9) public messenger jobs,

(10) communications and public utilities jobs, (11) construction including demolition and repair,

(12) work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment,

(13) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes,

(14) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil,

(15) baking and all activities involved in baking, (16) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and

bakery-type mixers, (17) freezers or meat coolers work, except

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not

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.

ELIGIBILITY REQUIREMENTS

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.

REQUESTING LEAVE

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.

EMPLOYER RESPONSIBILITIES

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 ineliaibilitv

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.

ENFORCEMENT

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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. For additional information or to file a complaint:

DEPARTMENT OF LABOR 1-866-4-USWAGE WHD UNITED STATES OF (1-866-487-9243) TTY: 1-877-889-5627 AMERICA www.dol.gov/whd

U.S. Department of Labor • Wage and Hour Division • WH1420

Workforce Commission

Attention Employees

Your employer reports your wages to the Texas Workforce Commission. If you become unemployed or your work hours are reduced, you may be eligible for unemployment benefit payments. File online at www.twc.texas.gov or call 1-800-939-6631. Additional assistance may be available at your local Workforce Solutions Office; please visit the directory at: www.twc.texas.gov/directory-workforce-solutions-offices-services.

Unemployment Insurance (UI) benefits are available to workers who are unemployed and who meet the requirements of state UI eligibility laws.

To file, you will need to provide your full legal name and your social security number or your authorization to work. The Texas Payday Law, Title II, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least twice a month and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

SEMI-MONTHLY: MONTHLY:

WEEKLY: OTHER:

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TX

law.

TO EMPLOYERS: Texas Labor Code section 208.001(b) and 40 T.A.C. 815.1(14)(A) & (B) require that this notice, or its equivalent, be displayed in a location reasonably calculated to be encountered by all employees, and that an employer

- https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free)
- 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

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

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

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

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.

REV. 10/20/2022

REV. 05/2022

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.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

Employer Support of the Guard and Reserve • 1-800-336-4590

REEMPLOYMENT RIGHTS

FED

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 are obligated to serve in the the uniformed service; uniformed service;
- have applied for membership in the uniformed service; or
- then an employer may not deny you:
 - initial employment; promotion; or
 - reemployment; any benefit of employment
 - retention in employment;
- because of this status.

REV. 04/2016

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

employer for violations of USERRA.

where they customarily place notices for employees.

- 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 serviceconnected illnesses or injuries.

ENFORCEMENT

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of **USERRA** violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.
- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

The rights listed here may vary depending on the circumstances. The text of

this notice was prepared by VETS, and may be viewed on the internet at this

address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal

law requires employers to notify employees of their rights under USERRA, and

employers may meet this requirement by displaying the text of this notice

You may also bypass the VETS process and bring a civil action against an

(1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.

(2) involving the driving of motor vehicles and outside helpers

A. on any public road or highway, B. in or about any place where logging or sawmill operations are in progress, or C. in excavations

(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law,

(3) connected with coal mining, (4) in logging and sawmill occupations and occupations involving firefighting and timber tracts.

(5) * in operating or assisting to operate power driven woodworking machines, (6) involving exposure to radioactive substances and to ionizing radiations, (7) in operating or assist to operate powerdriven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks, (8) *in operating or assisting to operate power driven metal forming, punching, and shearing machines,

(9) in connection with mining, other than coal (10) * in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering, (11) in operating or assisting to operate powerdriven bakery machines,

(12) * involved in the operation of powerdriven paper-products machines, balers and compactors,

(13) in manufacturing brick, tile, and kindred products,

(14) * in operating or assisting to operate power-driven circular saws, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers,

(15) in wrecking, demolition, and ship-breaking operations, (16) * in roofing operations and on or about a roof, and

(17) * in connection with excavation operations.

Additional prohibited occupations that apply under state law:

(1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult 51.0145 Texas Labor Code for exceptions and requirements. (2) Occupations in sexually oriented businesses by a child under 18 years of age.

Additional prohibited occupations that apply only to 14- and 15-year-old children: Occupations declared particularly hazardous or detrimental to the health or well-being of 14-

and 15-year-old children include: (1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed,

(2) operating or assisting in operating power-

minors may occasionally enter a freezer for a short period of time to retrieve items, (18) meat processing and work in areas where meat is processed,

(19) loading and unloading goods to and from trucks, railroad cars or conveyors, and (20) all occupations in warehouses and storage

except office and clerical work. Work times for 14- and 15-year-old children: **State Law** — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

(1) more than 8 hours in one day or more than 48 hours in one week, (2) between the hours of 10 p.m. and 5 a.m.

on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school, or

(3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment. 14 and 15 year old children may not work: (1) during school hours, (2) more than eight hours on a non-school day or 40 hours during a non-school week, (3) more than three hours on a school day or 18 hours during a school week, and (4) between 7 p.m. and 7 a.m. during the school year, or (5) between 9 p.m. and 7 a.m. from June 1 and

Labor Day. **Child Actors- state law**

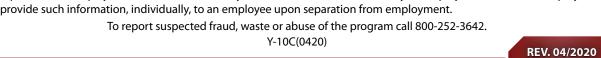
Child actor definition — a child under the age of 14 who is to be employed as an actor or other performer **Child actor extra definition** — a child under the age of 14 who is employed as an extra without any speaking, singing, or dancing roles, usually in the background of the performance Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texas

Workforce Commission. Special authorization for child actors to be employed as extras is granted without the need for filing an application if the employer meets the Texas Workforce Commission's requirements. Contact 1-800-832-9243 for instruction.

PENALTIES:

State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children. Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation

and/or criminal prosecution and fines. 101 F 15TH STREET . AUSTIN TEYAS 78778-000



NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer]

does not have workers' compensation insurance coverage. As an employee of a non-covered employer, you are not eligible to receive workers' compensation benefits under the Texas Workers' Compensation Act. However, a non-covered (nonsubscribing) employer can and may provide other benefits to injured employees. You should contact your employer regarding the availability of other benefits for a work-related injury or occupational disease. In addition, you may have rights under the common law of Texas should you have an on the job injury or occupational disease. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.

Notice 5 • TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION • Rule 110.101(e)(4)

EQUAL EMPLOYMENT OPPORTUNITY IS ... IGUALIDAD DE OPORTUNIDADES EN EL EMPLEO ES ... The Law in Texas La Ley en Texas The law prohibits employers, employment agencies La ley prohíbe a los empleadores, agencias de empleo and labor unions from denying equal employment y sindicatos de negar la igualidad de oportunidades de opportunities in empleo en hiring ocupa promotio ascenso discharge desocupation pay pago fringe benefits beneficio membership membrecia training other aspects of employment otros aspectos del empleo because of race, color, national origin, religion, sex, age, or por causa de raza, color, nacionalidad, religion, sexo, edad, disabilit Sexual harassment of unpaid interns is also against the Hostigamiento sexual a los internos sin pago va tambien en contra de la lev. If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles

101 East 15th Street, Rm. 144-T; Austin, TX 78778-0001



Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

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



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

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