FED **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.

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

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

and correctly classified independent contractors are not

- 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
- 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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

FED



**WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT** OF LABOR

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



### YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the

- 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 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
- If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if

promotion; or

any benefit of employment

you had not been absent due to military service or, in some cases, a comparable job.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

- are a past or present member of the
  - are obligated to serve in the uniformed uniformed service; have applied for membership in the
- uniformed service; or then an employer may not deny you:
- initial employment;
- retention in 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
  - 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

### **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 <a href="https://www.dol.gov/agencies/vets/">https://www.dol.gov/agencies/vets/</a>. An interactive online USERRA Advisor can be viewed at <a href="https://webapps.dol.gov/elaws/vets/userra">https://webapps.dol.gov/elaws/vets/userra</a> 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 You may also bypass the VETS process and bring a civil action against an employer for violations of
- The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address:

https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

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 REV. 05/2022

#### UT **Labor Commission WORKERS' COMPENSATION NOTICE**

## has complied with the provisions of the Workers' Compensation Act (§34A-2-101, Utah Code

Annotated), the Utah Occupational Disease Act (§34A-3-101, Utah Code Annotated), and the rules of the Labor Commission by insuring the liability to pay the compensation and other benefits provided by said Acts through:

Address for the above insurance company:

Check here if the employer has been authorized by the Division of Industrial Accidents to self-insure and directly pay workers' compensation benefits.

### **WORKERS' COMPENSATION** Workers' Compensation is insurance which pays medical expenses and helps offset lost wages for

employees with work-related injuries or illnesses. If you have an on-the-job injury or occupational disease, it may pay for: hospital and medical bills, time lost from work, permanent loss of body

may lose your rights if your injury is not

- function, prosthetic devices, and burial and dependent benefits in case of death. **HOW TO REPORT AN ACCIDENT HOW TO START COMPENSATION**  Ask your employer which insurance Report the injury, no matter how slight,
- reported within 180 days of the injury or work-related illness. Ask your employer where you should go for treatment. If your employer
- has a first-aid room or company designated doctor, go there promptly for treatment. If not, go to a doctor of your choice Tell the doctor HOW, WHEN and WHERE the accident happened. The doctor
- will fill out a physician's initial report form. A copy of the report is given to you and copies of the report are sent to the insurance company and the Labor Commission within seven (7) days of your doctor visit.
- Your employer shall fill out the employer's first report of injury form. A copy of this report is sent to the insurance company within seven (7) days of the accident. The insurance company will report the injury to the

Labor Commission.

- company pays workers' compensation benefits for the company 2. Ask your employer to report the accident to the insurance company and
  - give you the claim number. Call the insurance company and ask them to start your workers'
  - compensation benefits. The insurance company will require the employer's report, the physician's report, and may ask you to fill out a request for compensation. Cooperate with the adjuster's investigation of the injury. Ask your doctor to send medical reports
  - to the insurance company, including the work status statement. REHABILITATION If you cannot return to work, you may be eligible for a rehabilitation program. Contact

the insurance company listed above or the **Utah State Office of Rehabilitation** 

**FRAUD STATEMENT:** "Any person who knowingly presents false or fraudulent underwriting information, files or causes to be filed a false or fraudulent claim for disability compensation or medical benefits, or submits a false or fraudulent report or billing for health care fees or other professional services is guilty of a crime and may be subject to fines and confinement in state prison."

### **Utah Labor Commission Industrial Accidents Division**

160 East 300 South 3rd Floor P.O. Box 146610 Salt Lake City, Utah 84114-6610 Office: (801)-530-6800 • Fax: (801)-530-6804 • Toll Free: (800) 530-5090

www.laborcommission.utah.gov If you want copy of an Employee's Guide to Workers' Compensation booklet or have questions,

contact the Labor Commission or go to the webpage at www. laborcommission.utah.gov. Note: This notice must be posted and kept continuously in public and conspicuous places in the office, shop or place of business of the employer as per §34A-2-204 and §34A-2-104.5, Utah Code Annotated.

Rev. 10/2019

establishment.

09-22E

### **Labor Commission Pregnancy and Related Conditions under the Utah**

### **Antidiscrimination Act** The Utah Antidiscrimination Act requires an employer to make a **reasonable accommodation** for an

- employee for pregnancy, child birth, breastfeeding, or a related condition, upon the employee's request. UTAH CODE § 34A-5-106(1)(g) (2016). Unless the employer can show that the reasonable accommodation is an undue hardship as defined by the Act, it cannot require an employee to end the employment if a reasonable
- accommodation may be given, or deny employment opportunities to the employee if the denial is based on the need to make a reasonable accommodation. UTAH CODE § 34A-5-102(1)(w) (2016). An employer may require an employee seeking a reasonable accommodation based on pregnancy or a related condition to provide a **medical certification**. A medical certification must include:
- the date the reasonable accommodation becomes medically advisable the probable duration of the accommodation; and
- a statement regarding the medical advisability of the accommodation. UTAH CODE § 34A-5-
- An employer may not require an employee to obtain a certification from the employee's health care provider for more frequent  ${\bf restroom, food, or\ water\ breaks.}$  UTAH CODE § 34A-5-106(7)(c) (2016). To learn more about your rights, please contact the Utah Antidiscrimination & Labor Division by calling 801-530-6801 or emailing <u>discrimination@utah.gov</u>.

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### **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 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
- 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

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

### **ELIGIBILITY REQUIREMENTS**

under or related to the FMLA.

**BENEFITS & PROTECTIONS** 

LABOR

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

Work at a location where the employer has at least 50 employees within 75 miles of the

- 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
- 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

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 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.

### **ENFORCEMENT**

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 UNITED STATES OF AMERICA

taxes, and provide for insurance.

UT

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

1-866-4-USWAGE



REV. 04/2016

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

jobs.utah.gov

### **UNEMPLOYMENT INSURANCE NOTICE TO WORKERS**

unemployment insurance purposes, unless specifically exempted by the Act. Unemployment insurance specifically provides payments to qualified workers who are unemployed through no fault of their own and are able, available, and seeking full-time work. It is not public assistance, Social Security, or a disability payment. Benefits are based upon your previous earnings—not on economic need. The funds to pay unemployment benefits are paid by your employer. No deductions are made from your wages.

**DEPARTMENT OF WORKFORCE SERVICES** 

Your work is covered under the provisions of the Utah Employment Security Act for

## FILING FOR UNEMPLOYMENT INSURANCE BENEFITS

To receive unemployment benefits, you may file your claim online at jobs.utah.gov, select "Temporary Assistance," then "Unemployment Benefits," and then choose "File New or Reopen Claims." You may also call the Claims Assistance and Re-Employment Team at: Salt Lake/South Davis Counties – (801) 526-4400; Weber/ North Davis Counties – (801) 612-0877; Utah County – (801) 375-4067; elsewhere in Utah and out-of-state – (888) 848-0688. No benefits will be paid for weeks prior to the week in which you file your claim. You should, therefore, file immediately after becoming unemployed or when your work hours are reduced to less than full

## FILING AFTER RECEIVING WORKER'S COMPENSATION BENEFITS

If you are separated from employment due to a work-related illness or injury for which you have received Worker's Compensation, your rights to unemployment benefits may be preserved for up to THREE YEARS from the date of your injury. In order to use wages earned prior to such an injury or illness, you must file a claim for unemployment benefits within 90 DAYS of your doctor's release to full time work.

### **SEPARATION INFORMATION** At the time you are separated from your job, you should request information as to the reasons for your

separation. You do not need to have a separation notice to file a claim. Both you and your employer will be requested to provide statements explaining the reason for your separation. **WAGES DETERMINE BENEFIT AMOUNT** The amount of your unemployment benefits will be determined from your wages in covered employment. "Wages" are all payments for personal services performed such as salaries, commissions, bonuses, tips, and

## employer generally cannot be used to determine your unemployment benefits.

the cash value of goods and services received for services performed. Tips received but not reported to your

**SELF-EMPLOYMENT** If you are classified as "self-employed" (independent contractor), you may want to discuss this with your employer and have your status reviewed by DWS. Work performed in "self employment" cannot be used for unemployment benefits. You are "self-employed" if your work is performed without direction and control and you are in your own established business. This generally means you are properly licensed in business, perform similar services for others, maintain proper accounting records and business reports, pay self-employment

**ONLINE SERVICES** Access our web site jobs.utah.gov to search for jobs, find out about available programs, and obtain economic information.

## NO FEE EMPLOYMENT SERVICES

DWS services are available on our web site at jobs.utah.gov or by going to any of our Employment Centers listed below. Employment services include job referrals, career counseling, workshops, employer recruitment, Veterans' services, labor market information, and job training/internships. Supportive services include food stamps, financial assistance, medical assistance, childcare assistance, unemployment assistance, emergency assistance, referrals to community, and other resources. Our Job Connection Rooms provide Internet access along with Information Specialists to assist you in accessing services and resources. Fax and copy machines are also available.

STATE EMPLOYMENT CENTERS

Beaver	875 North Main	(435) 438-3581	Ogden	480 27th Street	(801) 626-0300
Blanding	544 North 100 East	(435) 678-1420	Panguitch	665 North Main	(435) 676-1406
Brigham City	138 West 990 South	(435) 695-2625	Park City	1910 Prospector Ave. Ste. 100	(877) 313-4317
Cedar City	176 East 200 North	(435) 865-6531	Price	475 West Price River Dr. #300	(435) 636-2300
Clearfield	1290 East 1450 South	(801) 776-7800	Provo	1550 North 200 West	(801) 342-2600
Delta	44 South 350 East	(435) 864-3525	Richfield	115 East 100 South	(435) 893-0005
<b>Emery County</b>	550 West Hwy 29	(435) 381-6120	Roosevelt	140 West 425 South 330-13	(435) 722-6499
Heber City	69 North 600 West, Ste. C	(435) 654-6500	Salt Lake Metro	720 South 200 East	(801) 526-0950
Junction	550 North Main	(435) 893-0005	Salt Lake So County	5735 South Redwood Rd.	(801) 269-4700
Kanab	468 East 300 South	(435) 644-8911	South Davis	763 West 700 South W. Cross	(801) 298-6600
Lehi	557 W. State Street	(801) 753-4500	Spanish Fork	1185 North Canyon Creek Parkway	(801) 794-6600
Loa	18 South Main	(435) 893-0005	St. George	162 North 400 East Bldg. B	(435) 986-3500
Logan	180 North 100 West	(435) 792-0599	Tooele	305 North Main, Ste. 100	(435) 833-7300
Manti	55 South Main #3	(435) 835-0771	Vernal	1050 West Market Dr.	(435) 781-4100
Moab	457 Kane Creek Blvd	(435) 719-2600	Eligibility Services Center	(Salt Lake Area)	(801) 526-0950
Nephi	625 North Main.	(435) 623-0361		(Outside Salt Lake)	(866) 435-7414

### **INFORMATION FOR EMPLOYERS** Utah law requires that each employee's wages must be reported each quarter with the regular quarterly

contribution (tax) report. All wage and separation information and correspondence must include your unemployment insurance registration number. You must also maintain and make available records of wages and separation information on all workers for at least four (4) calendar years. When an unemployment claim is filed by a former employee, the Department of Workforce Services will send

Form 65 "Employer Notice of Potential Liability" showing any wages from your firm being used on the claim and your firm's potential benefit costs. If you have classified or contemplate classifying any of your workers as "self-employed" (independent contractors), notify the Department in order that a proper determination of status can be made. By doing this, you may avoid unpaid contributions (tax) liabilities, interest, and penalties. Additional information is available in the "Employer Handbook" which you can access on the Internet at:

Form 606 "Notice of Claim Filed." This notice will provide an opportunity for you to report details of the reason

for the claimant's separation and, in some cases, to request relief of potential charges. You will also receive a

#### jobs.utah.gov/ui/employer/public/handbook/employerhandbook.aspx In accordance with Section 35A-4-406(1)(b) of the Utah Employment Security Act, this notice must be permanently posted by each employer at suitable points (on bulletin boards, near time clocks, etc.) in each work place and

**Equal Opportunity Employer/Program** Auxiliary aids (accommodations) and services are available upon request to individuals with disabilities by calling 801-526-9240. Individuals who are deaf, hard of hearing, or have speech impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.

REV. 04/2022

FED

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.

### Who is Protected?

Employees (current and former), including managers and temporary

- Job applicants Union members and applicants for membership in a union
- **What Organizations are Covered?**
- Most private employers State and local governments (as employers)
- Educational institutions (as employers) Unions
- Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless
- of your immigration status, on the bases of:
- Race
- Color
- Religion National origin Sex (including pregnancy and related conditions, sexual orientation, or
- gender identity)
- Age (40 and older) Disability Genetic information (including employer requests for, or purchase, use, or
- disclosure of genetic tests, genetic services, or family medical history) Retaliation for filing a charge, reasonably opposing discrimination, or

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

an inquiry through the EEOC's public portal

https://publicportal.eeoc.gov/Portal/Login.aspx

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:

Requesting or disclosing medical information of employees

1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

info@eeoc.gov E-Mail Additional information about the EEOC, including information about filing a charge of

discrimination, is available at www.eeoc.gov.

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**PROHIBITIONS** 

### **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:

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

### Race, Color, Religion, Sex, Sexual Orientation, Gender

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

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

#### **Asking About, Disclosing, or Discussing Pay** Executive Order 11246, as amended, protects applicants and employees of

Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

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

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

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.

immediately: The Office of Federal Contract Compliance Programs (OFCCP)

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210

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

## 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

### **Individuals with Disabilities**

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.

discrimination on the basis of disability in any program or activity which

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment

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

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

The law does not preempt any provision of any State or local law or

any collective bargaining agreement which is more restrictive with

#### The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain The Secretary of Labor may bring court actions to restrain violations prospective employees of security service firms (armored car, alarm, and assess civil penalties against violators. Employees or job

**ENFORCEMENT** 

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

and guard), and of pharmaceutical manufacturers, distributors

**WAGE AND HOUR DIVISION** 

UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627

**REV. 07/2016** 

#### The Utah Occupational Safety and Health Act of 1973 requires Utah employers to provide a safe and healthful workplace, free from recognized hazards that are likely to cause death or serious physical harm to employees. The Utah Occupational Safety and Health (UOSH) Division of the Utah Labor Commission, has the responsibility to administer the Utah Occupational Safety and Health Act.

**NOTICE TO EMPLOYEES** You have the obligation to comply with all workplace safety and health rules established by your employer.

your workplace. You have the right to file a complaint with UOSH if you feel that your employer has retaliated against you for making safety or health

within 30 days of the retaliation. You have a right to see all UOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation. You may request an informal review of the abatement period granted to the employer.

complaints, or for exercising your rights under the Utah Occupational Safety and Health Act. Such whistleblower complaints must be filed

### You have the right to know your employer is obligated to correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

### UTAH EMPLOYERS ARE REQUIRED TO PROVIDE EMPLOYEES A SAFE AND HEALTHFUL WORKPLACE REPORTING REQUIREMENTS Employers are required to notify UOSH at (801) 530-6901 within 8 hours of occurrence of all fatalities, disabling, significant, and serious

injuries or illnesses to workers. You can call in your report 24 hours a day, 7 days a week. Tools, equipment, materials, or other evidence that

might pertain to the cause of such accidents shall not be removed or destroyed until authorized by UOSH. You are also required to investigate

You have the right to **copies of your medical records** or records of your exposure to toxic and harmful substances or conditions.

and concussions; illnesses that could shorten life or significantly reduce physical or mental efficiency inhibiting the normal function of a part of the body, such as cancer, silicosis, asbestosis, hearing impairment and visual impairment. INSPECTIONS, CITATIONS, ASSESSED PENALTIES UOSH may enter at reasonable times without delay any work place under its jurisdiction to conduct an inspection, investigation, or interview a reasonable number of employees to determine compliance with the Utah Act, rules and standards. If an employer is in violation of any of those

rules or standards UOSH will promptly issue a Citation to notify them of the violation. A serious violation may be assessed a proposed penalty of

up to \$7,000. Willful or Repeated violations may be assessed a proposed penalty up to \$70,000. Failure to correct or abate a violation may result

## **CONTESTS, APPEALS, INFORMAL REVIEW**

all incidents of worker injuries and occupational illnesses.

abatement period. Informal reviews do not extend the 30 days in which an employer must file a written notice of contest for a formal hearing. To report a workplace fatality or injury, file a workplace safety complaint, or for assistance please call (801) 530-6901 or (800) 530-5090. To file a safety complaint online or obtain more information about UOSH please visit our website at: www.laborcommission.utah.gov. To

The Utah Labor Commission will provide an adjudicative formal hearing with its Division of Adjudication, when an employer files a written

final and not subject to review by any court or agency. Employers may also request an informal review of any citation, proposed penalty or

notice of contest within 30 days of receipt of the citation. Upon expiration of that 30 day period, the citation and proposed penalties are

**State of Utah Labor Commission Utah Occupational Safety and Health** 160 East 300 South, Third Floor PO Box 146650 Salt Lake City, Utah 84114-6650 (801) 530-6901

Fax (801) 530-7606

Toll-Free 1-800-530-5090

www.laborcommission.utah.gov

**TWO** ways to verify poster compliance!

QR CODE Scan with phone camera:

**ONLINE** 

Go to: JJKeller.com/LLPverify

Enter this code: 62926-102022

Consultation Program (801) 530-6855

Reporting Injuries

Compliance Program

(801) 530-6901

(801) 530-6901

To update your labor law posters contact

FED-UT-ENG

62926

This poster is in compliance with federal and state posting requirements.

OCT2022

including the executive level. **Protected Veteran Status** 

release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. Retaliation

Any person who believes a contractor has violated its nondiscrimination

or affirmative action obligations under OFCCP's authorities should contact

1-800-397-6251 (toll-free)

### https://www.dol.gov/agencies/ofccp/contact. PROGRAMS OR ACTIVITIES RECEIVING FEDERAL

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

REV. 10/20/2022

### **EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT**

The Employee Polygraph Protection Act prohibits most The Act also permits polygraph testing, subject to restrictions, of private employers from using lie detector tests either for certain employees of private firms who are reasonably suspected of pre-employment screening or during the course of employment.

rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. a written notice before testing, the right to refuse or discontinue a Also, the law does not apply to tests given by the Federal Governmen test, and the right not to have test results disclosed to unauthorized to certain private individuals engaged in national security-related

applicants may also bring their own court actions.

www.dol.gov/whd

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

## **Labor Commission**

**Workplace Safety and Health** 

### in the State of Utah THIS NOTICE MUST BE POSTED IN THE WORKPLACE

You have the right to notify your employer or UOSH about workplace hazards. You may ask to keep your name confidential. You have the right to request and to participate in a UOSH inspection if you believe that there are unsafe or unhealthful conditions in

# **NOTICE TO EMPLOYERS**

#### **REPORTING GUIDANCE** "Disabling and serious" includes, but is not limited to any injury or illness resulting in immediate admittance to the hospital, permanent or temporary impairment where part of the body is made functionally useless or is substantially reduced in efficiency and which would require treatment by a medical doctor, such as amputation, fracture, deep cuts, severe burns, electric shock, sight impairment, loss of consciousness,

## in additional penalties not to exceed \$7,000 for each day each violation is not corrected.

obtain more information about safety and health in the workplace, please contact the Consultation Program at (801) 530-6855. Employers and employees may file a complaint about state program administration with the Occupational Safety and Health Administration (OSHA) at 1244 Speer Blvd., Suite 551 Denver, CO 80204.

"Helping to ensure a safe and healthy workplace for every worker in the State of Utah"

REV. 01/15/2019

J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

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