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

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

repeated. The law also prohibits retaliating against or discharging

Certain occupations and establishments are exempt from the

Special provisions apply to workers in American Samoa, the

Some employers incorrectly classify workers as "independent

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

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

PAYMENT OF WAGES

WHILE STILL EMPLOYED: An employee must be paid within 10

period in which the employee was separated, or 15 calendar days,

quits, wages are due on the next scheduled pay day for the

TERMINATED FOR CAUSE: When an employee is laid off or

discharged, all wages are due immediately (within four hours

or end of the business day, whichever occurs first), unless the

business days after the end of the pay period.

whichever occurs first.

contractors" when they are actually employees under the

Commonwealth of the Northern Mariana Islands, and the

Some state laws provide greater employee protections;

be doubled when the violations are determined to be willful or

workers who file a complaint or participate in any proceeding

minimum wage, and/or overtime pay provisions.

the minimum wage or overtime pay provisions of the law. Civil

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

under the FLSA.

ADDITIONAL INFORMATION

Department of Labor.

Commonwealth of Puerto Rico.

employers must comply with both.

classified independent contractors are not.

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

& Associates, Inc.®

Since 1953

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

At least 11/2 times the regular rate of pay for all hours worked over **CHILD LABOR**

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, nonmining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

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.

DEPARTMENT OF LABOR UNITED STATES

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

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



REV. 07/2016

FED

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or

verbal notice of your service; you have five years or less of cumulative service in the

uniformed services while with that particular employer;

you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable

f 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

are obligated to serve in are a past or present the uniformed service: member of the uniformed service; have applied for membership in the

:hen an employer may not deny you: initial employment; reemployment;

uniformed service; or

FED

any benefit of retention in employment; employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION If you leave your job to perform military service, you have

the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for 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 http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil

action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by

VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

FED

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

MONTANA

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

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are

reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement

which is more restrictive with respect to lie detector tests.

and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

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

MT

Montana Department of LABOR & INDUSTRY **Employment Relations Division MONTANA'S MINIMUM WAGE** (Effective 1/1/2022)

*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage.

Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. **However**, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor federal minimum wage or Montana's minimum wage.

ALLOWED IN THE STATE OF MONTANA

OVERTIME PAY Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 11/2 times their regular hourly rate for those hours worked over 40. There are

employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar exclusions from overtime pay. This information can be obtained by calling our office at (406) 444-6543. **DEPARTMENT OF LABOR & INDUSTRY COMPLIANCE & INVESTIGATIONS BUREAU**

Please visit us on the web at: www.mtwagehourbopa.com

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards that the employee is entitled to the higher minimum wage rate.

MT

Department of LABOR & INDUSTRY MONTANA LAW PHOHIBITS DISCRIMINATION & RETALIATION

in employment, housing, education, public accommodations, credit, finance, insurance, & state / local government. Discrimination is unlawful if based on one of these protected classes:

RACE/COLOR **RELIGION/CREED**

> FOR MORE INFO CONTACT THE MONTANA HUMAN RIGHTS BUREAU P.O. BOX 1728, HELENA, MT 59624-1728 (406) 444-2884 OR 1 (800) 542-0807 (RELAY SERVICE 711) MONTANADISCRIMINATION.COM

Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.

unemployment benefits. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT.

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions,

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects

promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

applicants and employees from discrimination in hiring,

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from

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

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

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

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

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

The U.S. Equal Employment Opportunity Commission (EEOC),

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

Employers Holding Federal Contracts

or Subcontracts Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal

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

protects qualified individuals from discrimination on the basis of accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

RETALIATION Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential

If you believe you have been discriminated against in a program

DEPARTMENT OF LABOR

policies.

UNITED STATES OF AMERICA

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

REV. 07/2016

Standards Act, that employee must be paid the greater of either the WHEN SEPARATED FROM EMPLOYMENT: When an employee

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS

days, whichever occurs first. FOR ADDITIONAL INFORMATION PLEASE CONTACT:

EMAIL: DLIERDWage@mt.gov

PO BOX 201503

HELENA MT 59620-1503

PHONE (406) 444-6543

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 THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

ANY AGE PHYSICAL DISABILITY **MENTAL DISABILITY MARITAL STATUS NATIONAL ORIGIN FAMILIAL STATUS VACCINATION STATUS SEX** (INCLUDING PREGNANCY, SEXUAL **POLITICAL BELIEFS** ORIENTATION, & GENDER IDENTITY) GOVERNMENT EMPLOYMENT)

NOTICE: This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency.

NOTICE: Employers must contact their local unemployment office or the state agency responsible for unemployment compensation to receive the official Unemployment Insurance posting. Employees should contact their local unemployment office for information on how to claim

REV. 04/2017

law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

aspects of employment.

INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973, as amended, disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment Disability discrimination includes not making reasonable

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED. AND ARMED FORCES SERVICE MEDAL VETERANS The Vietnam Era Veterans' Readjustment Assistance Act of

1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

Programs or Activities Receiving Federal

of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such

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 the For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse,

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees

may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave

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

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

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.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days'

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 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

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.

lawsuit against an employer.

UNITED STATES OF

AMERICA

DEPARTMENT OF LABOR

For additional information or to file a complaint:

1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

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

REV. 04/2016

MT

Discrimination in Employment is Prohibited if Based on **These Protected Classes Age** (all ages) Religion, Creed

Sex (includes maternity, pregnancy, and sexual harassment) **Physical or Mental Disability Political Belief** (state and local **Marital Status** government employment or

Race, Color, National Origin service)

The following practices (if based on one or more of the above classes) are illegal: To discharge, to refuse to hire, or to discriminate against a person with respect to compensation or privileges of

What Is Illegal Discrimination?

- To deny a reasonable maternity leave or refuse to reinstate an employee following leave For labor unions to deny membership or otherwise discriminate
- against a person or member For employment agencies to fail or refuse to refer for
- **Employer Alert!** Questions on applications should be related to skills,

in the investigation or opposed discriminatory practices

experience, and education important to performing the job

To retaliate against a person who filed a complaint, participated

Anyone who hires one or more persons is subject to the Montana Human Rights Act Avoid questions about an applicant's race, age, religion, medical condition, marital status, or family responsibilities

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when: Submission to the conduct is explicitly or implicitly made a term

Sexual Harassment & Unlawful Harassment

or condition of employment Submission to, or rejection of, the conduct is used as the basis for an employment decision The conduct has the effect of unreasonably interfering with

work performance, or creates an intimidating, hostile or

Harassment directed toward a person because of gender

Examples of Sexual Harassment Propositions or pressure to engage in sexual activity

Repeated sexual jokes, innuendoes or comments

Inappropriate comments concerning appearance

A pattern of favoritism toward sexual partners

offensive work environment

Repeated body contact

Constant leering or staring

Harassment based upon gender in nontraditional employment What You Should Do If you are offended by sexual jokes, comments, or other sexual or

gender-based conduct in your workplace, immediately inform your

If your complaints are not resolved, or your supervisor is the alleged

Report the sexual harassment to another supervisor or your

Employer Alert!

Employers may be liable for monetary compensation and other forms

Hiring or promoting a sex partner over more qualified persons

Keep written records of the dates and facts of all sexual harassment and the names of witnesses

harasser, you should take the following steps:

- of relief to employees who are victims of sexual harassment by: The owner or manager
- Supervisors, whether or not the employer knew of the sexual

Co-workers and non-employees in the workplace, when the

employer knew, or should have known of the sexual harassment

Department of Labor & Industry, Employment Relations Division **Employment Discrimination is Against the Law** Montana Human Rights Bureau

Harassment based on any protected class

- is unlawful discrimination! **Pregnancy & Breastfeeding**
- **Pregnant Employees Have These Rights** Nondiscrimination in hiring Continued employment during pregnancy

Reasonable maternity leave

medical provider.

No mandatory unreasonable leave

Use of accrued benefits and leave time

- Equal treatment in employee benefits and plans Reinstatement after maternity leave Employer must provide reasonable accommodations as they
- would for any other employee with medical limitations What is Reasonable Maternity Leave? It is determined on a case-by-case basis. In the case of normal

Rely on the judgment of the employee's physician or other

pregnancy and delivery, medical providers typically consider a

An employer is required to provide medically necessary maternity leave for the period of the employee's actual

reasonable leave to be 6-8 weeks after delivery.

An employer may require the employee to provide medical

Know your company's disability benefit policies and policies regarding sick, vacation and annual leave. Communicate with your pregnant employee about the anticipated need for maternity leave and put it in writing. Be sure the employee understands her obligations to return

Employer Alert!

required. Make sure the employee knows how to request an extension of her leave should complications arise. Replacement employees should understand that his or her employment is temporary, unless the pregnant employee resigns or you make other arrangements for reinstatement to her same or equivalent job after the maternity leave.

If an employee plans to voluntarily resign because of her

of absence as required by law.

disability

pregnancy, obtain the resignation in writing after making sure

she is aware that you are prepared to grant a reasonable leave

to work on a specified date and provide medical verification of

Advised Accommodation for Breastfeeding Mothers In 2007, the Montana Legislature passed legislation requiring public employers ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their child.

Rights of Persons with Disabilities in Employment

The Montana Human Rights Act and Americans with Disabilities Act prohibit discrimination in employment to an applicant or employee because of a physical or mental disability. An employer may have additional obligations under the federal Family Medical Leave Act. **Employment Rights**

Qualified persons with physical and mental disabilities:

employment because of their disability

May not be refused an application, interview or

Have the right to a reasonable accommodation, which would allow them to perform the essential functions of their position

Who is Covered?

ADA, an applicant or employee with a disability must:

To be protected under the Montana Human Rights Act and the

May not be terminated or discharged because of their

Have a physical or mental impairment the substantially limits one or more major life activities; or Have a record of such an impairment; or

- Be regarded or perceived as having such an impairment;
- Be able to perform the essential functions of the position with or without a reasonable accommodation.
- to perform the essential functions of their job, engage in a
 - disability, to perform the essential job functions Employees should notify the employer if they need an accommodation and tell the employer what modifications are
- **Reasonable Accommodation** Whether or not a suggested accommodation is "reasonable"
- suggested by the employee, if there is an effective alternative accommodation An accommodation is not reasonable if it endangers any
- policies as appropriate
- Those who are "perceived" as having disabilities are protected from employment discrimination based on stereotypes, fears, or misconceptions about disability. This protection applies to decisions based on unsubstantiated concerns about productivity, safety, insurance, liability, attendance, the costs of accommodation, accessibility, worker's compensation costs or acceptance by co-
- **Montana Human Rights Bureau**

The Bureau will not exclude persons with disabilities from participating at its meetings or otherwise deny them services, programs or activities. The Bureau will also provide and accept information in alternative formats to accommodate disabilities. Persons with disabilities requiring accommodation in order to take advantage of the Bureau's services should contact the Bureau's staff at 1-800-542-0807.

REV. 11/2009

Job Safety and Health

All workers have the right to:

retaliated against.

OSHA on your behalf.

 A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being

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
- Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.

retaliated against for using your rights.

• File a complaint with OSHA within 30 days

(by phone, online or by mail) if you have been

the right to have a representative contact

 See any OSHA citations issued to your employer. Request copies of your medical records, tests

the workplace injury and illness log.

Contact OSHA. We can help.

This poster is available free from OSHA.

IT'S THE LAW!

- **Employers must:** Provide employees a workplace free from recognized hazards. It is illegal to retaliate
- 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

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

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.





ONLINE

P.O. Box 1728 HELENA, MT 59624-1728 PHONE (406) 444-2884 OR

1-800-542-0807

Relay Service 711

www.montanadiscrimination.com

The Human Rights Bureau is committed to making its services

available to persons with disabilities in compliance with Title II of the Americans with Disabilities Act and relevant state law.

Go to: JJKeller.com/LLPverify

JAN2022

Requests For Reasonable Accommodation Employers

Make a reasonable accommodation, required by a person with a

- needed to perform the job.
- employee's health or safety, or it creates an undue hardship on **Examples of Reasonable Accommodation**
- Restructuring the job; offering part-time or modified work Acquiring or modifying equipment or devices Adjusting or modifying examinations or training materials or

Providing qualified readers or interpreters

workers and customers. For more information on discrimination in the workplace, visit our website: www.montanadiscrimination.com

QR CODE Scan with phone camera: Enter this code: 62848-012022

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

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

Employment Agencies and Labor Organizations

discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. SEX (WAGES)

medical history); and requests for or receipt of genetic services by RETALIATION

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

If an employee should request a reasonable accommodation dialogue with the employee to determine the most appropriate accommodation

will depend on factors such as cost, availability, necessity, and whether a less expensive or more convenient accommodation is The employer is not required to provide the accommodation

Making all application processes accessible to persons with Making existing facilities used by employees readily accessible to and usable by employees with disabilities

Perceived Disability

For information on the Human Rights Bureau process, discrimination issues and filing a discrimination complaint, please contact the

Montana Department of Labor & Industry

Employment Relations Division

and failed to take immediate corrective action **TWO** ways to verify poster compliance! Copyright 2022 J. J. Keller & Associates, Inc. • Neenah, WI • Printed in the USA

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