

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 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

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

TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WHD

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

OR

Bureau of Labor & Industries
MINIMUM WAGE

You must be paid at least minimum wage. The rate depends on where you work.

\$12.75 per hour
Standard

(Benton, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook, Wasco, Yamhill, parts of * Clackamas, Multnomah, & Washington)

\$14.00 per hour
Portland Metro Area

* Clackamas, Multnomah, & Washington

\$12.00 per hour
Nonurban Counties

(Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler)

- Every worker must be paid at least minimum wage. There are exceptions but they are uncommon.
- The minimum wage goes up every year. These rates are in effect from July 1, 2021 to June 30, 2022. The next minimum wage increase is on July 1, 2022.
- Tip credits are illegal in Oregon.
- Deductions are allowed if legally required or if you agree in writing and the deduction is for your benefit. Your paycheck must show this information.
- If you make close to minimum wage, you may qualify for the Earned Income Tax Credit. Visit eitroutreach.org

CONTACT US

If your employer isn't following the law or something feels wrong, give us a call. The Bureau of Labor and Industries is here to enforce these laws and protect you.

Call: 971-673-0761
Email: help@boli.state.or.us
Web: oregon.gov/boli
Se habla español.

OREGON BUREAU OF LABOR & INDUSTRIES
21 OREGON LAWS
22 Protect You At Work

* The minimum wage you should get depends on your employer's exact address. If you work INSIDE the urban growth boundary, you should make at least \$14.00. If you work OUTSIDE the urban growth boundary, you should make at least \$12.75. Look up your work address here: bit.ly/metroboundary

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

OR

Bureau of Labor & Industries
BREAKS & MEALS + OVERTIME & PAYCHECKS

Your employer is required to give you breaks free from work responsibilities. There are specific rules about overtime pay and paychecks.

BREAKS & MEALS

- For each 8-hour work shift you get these breaks free from work responsibilities:
 - Two 10 minute paid rest breaks
 - One 30 minute unpaid meal break
- You also get reasonable breaks as needed to express milk (and a private space that is not a bathroom to pump) until your child reaches 18 months of age.
- If your shift is longer or shorter than 8 hours, refer to the chart here or visit oregon.gov/boli for more information.

| Shift Length | Rest Breaks | Meal Breaks |
|------------------------------|-------------|-------------|
| 2 hrs or less | 0 | 0 |
| 2 hrs 1 min - 5 hrs 59 min | 1 | 0 |
| 6 hrs | 1 | 1 |
| 6 hrs 1 min - 10 hrs | 2 | 1 |
| 10 hrs 1 min - 13 hrs 59 min | 3 | 1 |
| 14 hrs | 3 | 2 |
| 14 hrs 1 min - 18 hrs | 4 | 2 |

OVERTIME & PAYCHECKS

- If you work more than 40 hours in one week, you must receive overtime pay of 1.5 times your regular pay rate. There are some exceptions but they are uncommon.
- Regular paydays are required by law. You must receive a paycheck at least every 35 days. Your employer must provide you with a detailed paystub.
- If you are fired or permanently laid off, you must get your last paycheck by the end of the next business day.
- If you quit with 48+ hours' notice, you must get your last paycheck on your last day of employment. If you do not give 48 hours' notice, you must get your last paycheck within 5 business days or the next payday, whichever is first.

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EQUAL PAY

Your employer must pay you the same amount as other people doing similar work.

- It's illegal for your employer to pay you less than someone else because of your gender, race, veteran status, disability, age, color, religion, national origin, marital status, sexual orientation, or pay history.
- Different pay may be allowed if there is system based on bona fide factors including one or more of the following: seniority, merit, a system that measures earnings by quantity or quality of production, workplace location, travel, education, training, or experience.
- You're also protected during the hiring process:
 - Employers cannot ask for your salary/pay history before they make an offer of employment
 - Employers cannot screen job applicants based on current or past salary/pay history
 - Employers cannot determine compensation for a job based on the pay history of a potential new employee (not including internal transfers)
- If you need to, you can file a complaint at oregon.gov/boli. You could get back pay or the pay difference you are owed.

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Workplace Accommodations Notice

_____ is an equal opportunity employer and does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, veteran status, sexual orientation, gender identity, gender expression or any other classification protected by law.

_____ will make reasonable accommodations for known physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor or work;
- Modification of work schedules or job assignments.

Employees and job applicants have a right to be free from unlawful discrimination and retaliation

For this reason, _____ will not:

- Deny employment opportunities on the basis of a need for reasonable accommodation
- Require reasonable accommodation for known limitations, unless the accommodation would cause an undue hardship.
- Take an adverse employment action, discriminate or retaliate because the applicant or employee has inquired about, requested or used a reasonable accommodation.
- Require an applicant or an employee to accept an accommodation that is unnecessary.
- Require an employee to take family leave or any other leave, if the employer can make reasonable accommodation instead.

To request an accommodation or to discuss concerns or questions about this notice, please contact any one of our supervisors or _____ in the human resources department. (Provide multiple ways for employees to reach out with requests or concerns.)

Alternate format available on request

REV. 09/2019

FED

EMPLOYEE RIGHTS
EMPLOYEE POLYGRAPH PROTECTION ACT

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

PROHIBITIONS

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

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

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

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

WHD

WAGE AND HOUR
DIVISION
UNITED STATES
DEPARTMENT OF LABOR

1-866-487-9243
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www.dol.gov/whd



REV. 07/2016

FED

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 employee's job;
 - For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

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

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

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 preceding the need for leave;
- 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 have 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 ineligibility. Employees must notify their employer 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

WHD

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

OR

Bureau of Labor & Industries
SICK TIME

All Oregon workers get protected sick time.
If you work for an employer with 10+ employees (6+ if they have a location in Portland), you get paid sick time.

- Your employer must give you sick time. You get at least 1 hour of protected sick time for every 30 hours you work up to 40 hours a year.
- You can use sick time for many reasons including if you (or a family member) are sick, injured, experiencing mental illness, or need to visit the doctor. Also covered: bereavement leave, and leave to care for a child whose school or place of care is closed for a public health emergency.
- Your employer must pay you your regular wage when you take sick time if they have 10+ employees (6+ if they have a location in Portland). Otherwise, your sick time is protected but unpaid.
- You can start taking protected sick time after you've worked for at least 90 days. Your employer must regularly let you know how much protected sick time you have earned.

CONTACT US

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Bureau of Labor & Industries
SEXUAL HARASSMENT + DOMESTIC VIOLENCE PROTECTIONS

Oregon laws protect your right to work free from harassment. They also require your employer to provide supports if you are a victim of domestic violence.

SEXUAL HARASSMENT

- You have the right to a workplace free from harassment, discrimination, and sexual assault. Your employer must have a policy to reduce and prevent these violations.
- Discrimination because of race, color, sex, sexual orientation, national origin, religion, marital status, uniformed service, disability, or age is illegal.
- Sexual harassment can look like unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature (verbal, physical, or visual), that is directed toward an individual.
- It can also include conduct that is not sexual but is gender-related. Sexual harassment can be targeted toward someone of the same or different sex or gender.

DOMESTIC VIOLENCE PROTECTIONS

- If you experience domestic violence, harassment, sexual assault, or stalking (or if you are a parent or guardian of a victim), your employer must make reasonable changes to support your safety.
- These changes might include: a transfer, reassignment, modified schedule, unpaid leave, changed work phone number, changed work station, installed lock, new safety procedure, or other adjustment after threatened or actual events.
- You can also take protected leave to find legal or law enforcement assistance, get medical treatment for injuries or mental health support, move or change your living situation, and more.
- You can't be fired, suspended, retaliated or discriminated against in any way because you are a victim.

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Bureau of Labor & Industries
OREGON FAMILY LEAVE

You can take time off to take care of yourself or close family members under the Oregon Family Leave Act (OFLA).

- This time is protected, but often unpaid unless you have vacation, sick, or other paid leave available. Paid family leave will be available in 2023.
- To be eligible, you must have worked an average of 25 hours per week for 180 days - just 180 days for parental leave. Separation from employment or removal from the schedule for up to 180 days does not count against eligibility. During a public health emergency, you are eligible for all types of OFLA leave after working for at least 30 days prior at an average of at least 25 hours per week. Your employer must have at least 25 employees.
- You can take up to a total of 12 weeks of time off per year for any of these reasons:
 - Parental leave for either parent to take time off for the birth, adoption, or foster placement of a child. If you use all 12 weeks, you can take up to 12 more weeks for sick child leave.
 - Serious health condition of your own, or to care for a family member.
 - Pregnancy disability leave before or after birth of child or for prenatal care. You can take up to 12 weeks of this in addition to 12 weeks for any reason listed here.
 - Military family leave up to 14 days if your spouse is a service member who has been called to active duty or is on leave from active duty.
 - Sick child leave for your child with an illness, injury or condition that requires home care but is not serious, or to care for a child whose school or place of care is closed because of a public health emergency.
 - Bereavement leave for up to 2 weeks after the death of a family member.
- Your employer must keep giving you the same health insurance benefits as when you are working. When you come back you must be returned to your former job or a similar position if your old job no longer exists.

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

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 unemployment benefits.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT.

FED

Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

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

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

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

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

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

INDIVIDUALS WITH DISABILITIES

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

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing