

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 work hour 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 she 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 OF AMERICA

**WHD**

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UNITED STATES DEPARTMENT OF LABOR

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



WH1088

REV. 07/2016

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### 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 (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

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WH1462

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### 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. 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.

**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).

**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, 1-800-297-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto: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.

**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 services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

**INDIVIDUALS WITH DISABILITIES**

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

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EOEC 9/02 and OFCCP 8/08 Versions Usable With 11/09 Supplement EOEC-P/E-1

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WH1088

REV. 11/2009

TX

### Minimum Wage Law

An individual has two years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as liquidated damages. The employer can be assessed reasonable attorney's fees and court costs.

**Earnings Statement**  
Employers must provide employees a written earnings statement with information that enables employees to determine from a single document whether they have been paid correctly for a given pay period.

**Exemptions**  
The primary exemption from the Texas Minimum Wage Act is for any person covered by the Federal Fair Labor Standards Act (FLSA). Other specific exemptions include:

- Employment in, or of, by religious, educational, charitable or nonprofit organizations
- Professionals, salespersons or public officials
- Domestic
- Certain youths and students
- Limatiles
- Family members
- Amusement and recreational establishments
- Non-agricultural employees not liable for state unemployment contributions
- Dairying and production of livestock
- Sheltered workshops


**Agricultural Piece Rates**  
The Commissions of Agriculture establishes piece rates for agricultural commodities commercially produced in substantial quantities in Texas, if sufficient production information is available. The piece rates are intended to guarantee at least minimum wage for harvesters of average ability and diligence while allowing harvesters to earn more by producing more.

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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 the essential functions of the 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 before taking leave,\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

**REQUESTING LEAVE**  
Generally, employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify the employer as soon as possible and generally follow the employer's usual procedures.

Employees do not have to show 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. Employers must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employees can request a certification or periodic recertification supporting the need for additional information. 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.

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REV. 04/2016

TX

### Child Labor Laws

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

For further information about Texas' child labor laws, call:  
**1-800-832-9243 (In Texas only)**  
**TDD 1-800-735-2989**

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. **MINIMUM AGE FOR EMPLOYMENT** is 14, however, state and federal laws provide for certain exceptions. Please call TWV's Labor Law Section concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243.

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

- Prohibit occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18), but require applicable approval or student learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.
- Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments other than retail establishments which manufacture or store explosives or containers containing explosive components other than retail establishments,
- (2) involving the driving of motor vehicles and outside helpers
  - A. on any public road or highway,
  - B. in or about any place where logging or sawmill operations are in progress, or
  - C. in excavations.
- (3) Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law,
- (4) connected with coal mining,
- (5) in logging and sawmill occupations and occupations involving firefighting and timber tracts,
- (6) in operating or assisting to operate power-driven woodworking machines,
- (7) in operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks,
- (8) in operating or assisting to operate power-driven metal forming, punching, and shearing machines or other than coal,
- (9) in connection with mining, other than coal,
- (10) in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,
- (11) in operating or assisting to operate power-driven bakery machines,
- (12) involved in the operation of power-driven paper-products machines, balers and compactors,
- (13) in manufacturing brick, tile, and kindred products,
- (14) in operating or assisting to operate power-driven circular saws, band saws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers,
- (15) in wrecking, demolition, and ship-breaking operations,
- (16) in roofing operations and on or about a roof, and
- (17) in connection with excavation operations.

**Additional prohibited occupations that apply under state law:**

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

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

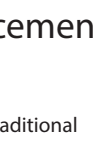
- (1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed,
- (2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines,
- (3) work as a ride attendant or ride operator at an amusement park or a "discotheque" at the top of elevated water slides,
- (4) driving a motor vehicle or helping a driver,
- (5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means,
- (6) youth peddling, sign waving or door-to-door sales,
- (7) poultry catching or cooping,
- (8) lifeguarding at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years

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REV. 10/2016

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### Workforce Commission Attention Employees

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

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

To file, you will need to provide your full legal name and your social security number or your authorization to work.

The Texas Payday Law, Title II, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least once a month and each pay period must consist as nearly as possible of an equal number of days.

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

MONTHLY: \_\_\_\_\_ SEMI-MONTHLY: \_\_\_\_\_

WEEKLY: \_\_\_\_\_

OTHER: \_\_\_\_\_

TO EMPLOYERS: Texas Labor Code section 208.001(b) and 40 T.A.C. §15.114(A)&(B) require that this notice, or its equivalent, be displayed in a location reasonably calculated to be encountered by all employees, and that an employer provide such information, individually, to an employee upon separation from employment.

To report suspected fraud, waste or abuse of the program call 800-252-3642.


Y-10C(0420)

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WH1420

REV. 04/2020

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### NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website ([www.oiec.texas.gov](http://www.oiec.texas.gov)).

**OMBUDSMAN PROGRAM**

**WHAT IS AN OMBUDSMAN?** An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

**CONNECT** Twitter @OIEC Instagram @OIECTexas YouTube @OIECTube Website [oiec.texas.gov](http://oiec.texas.gov)

**Figure 28 TAC §276.5(c)**


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REV. 04/2018

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### NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

**COVERAGE:** [Name of employer] has workers' compensation insurance coverage from [name of commercial insurance company] in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy]


Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company]

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### EQUAL EMPLOYMENT OPPORTUNITY IS ... IGUALDAD DE OPORTUNIDADES EN EL EMPLEO ES ...

**The Law in Texas**  
The law prohibits employers and labor unions from denying equal employment opportunities in:

- hiring
- promotion
- discharge
- pay
- fringe benefits
- membership
- training
- other aspects of employment

because of race, color, national origin, religion, sex, age, or disability.

Sexual harassment of unpaid interns is also against the law.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division. Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles.

101 East 15<sup>th</sup> Street, Rm. 1447, Austin, TX 78778-0001 (512) 463-2642

Toll Free (within Texas) 1-888-452-4778 TTY (512) 731-7473 [www.twc.state.tx.us](http://www.twc.state.tx.us)

No appointment necessary No es necesario hacer cita

Free Language Assistance Asistencia lingüística gratuita


Equal Opportunity Employer / Program Igualdad de Oportunidad de Empleo / Programa

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REV. 01/2013

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### 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 conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**  
If you:

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

- initial employment;
- reemployment;
- 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 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 service-connected 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.

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

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REV. 04/2017



**OSHA**  
Occupational Safety and Health Administration  
U.S. Department of Labor

## Job Safety and Health IT'S THE LAW!

**All workers have the right to:**

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

This poster is available free from OSHA.


**Contact OSHA. We can help.**

**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**

**Employers must:**

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

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



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JUN2020

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