

**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, mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural employment.

**TIP CREDIT**  
Employers "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 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 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 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** WH1088 REV. 07/2016

**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 requiring any employee or job applicant to take a 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 or certain private individuals engaged in national security-related activities.

The Act permits polygraph (lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored cars, 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.**

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**FED** U.S. Equal Employment Opportunity Commission  
**Know Your Rights: Workplace Discrimination is Illegal**

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

**Who is Protected?**  
• Employees (current and former), including managers and temporary employees  
• Job applicants  
• Union members and applicants for membership in a union

**What Organizations are Covered?**  
• Most private employers  
• State and local governments (as employers)  
• Educational institutions (as employers)  
• Unions  
• Staffing agencies

**What Types of Employment Discrimination are Illegal?**  
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:  
• Race  
• Color  
• Religion  
• National origin  
• Sex (including pregnancy and related conditions, sexual orientation, or gender identity)  
• Age (40 and older)  
• Disability  
• Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)  
• Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

**What Employment Practices can be Challenged as Discriminatory?** All aspects of employment, including:  
• Discharge, firing, or lay-off  
• Harassment (including unwelcome verbal or physical conduct)  
• Hiring or promotion  
• Assignment  
• Pay (unequal wages or compensation)  
• Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice  
• Benefits  
• Job training  
• Classification  
• Referral  
• Obtaining or disclosing genetic information of employees  
• Requesting or disclosing medical information of employees  
• Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

**What can You do if You Believe Discrimination has Occurred?**  
Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:  
**Submit** an inquiry through the EEOC's public portal:  
<https://publicportal.eeoc.gov/Portal/Login.aspx>  
1-800-669-4000 (toll free)  
1-800-669-8820 (TTY)  
1-844-244-3122 (ASL video phone)  
**Visit** an EEOC field office (information at [www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))  
**E-mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**  
The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are

an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:  
**Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin**  
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.  
**Asking About, Disclosing, or Discussing Pay**  
Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.  
**Disability**  
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.  
**Protected Veteran Status**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.  
**Retaliation**  
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.  
Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:  
The Office of Federal Contract Compliance Programs (OFCCP)  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210  
1-800-377-6251 (toll-free)  
If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <https://ofccpphelpdesk.dol.gov/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>.

**PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**  
**Race, Color, National Origin, Sex**  
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.  
**Individuals with Disabilities**  
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.  
If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

REV. 10/20/2022

**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 on 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 public service jobs.  
Other specific exemptions include:  
• Employment in, or by religious, educational, charitable or nonprofit organizations  
• Professionals, salespersons or public officials  
• Domestic  
• Certain youths and students  
• Innates  
• Family members  
• Amusement and recreational establishments  
• Non-agricultural employees not liable for state employment contributions  
• Dairying and production of livestock  
• Sheltered workshops

**Agricultural Piece Rates**  
An employer who works for a piece rate 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.  
Last Revised: July 14, 2022

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**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 before that child may 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 a reduced schedule.  
An employee may choose, as 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, most employees 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, for 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-day advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.  
Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employees can request a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

**EMPLOYER RESPONSIBILITIES**  
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave, and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.  
Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**ENFORCEMENT**  
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.  
The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:  
DEPARTMENT OF LABOR UNITED STATES OF AMERICA **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

**TX** **Child Labor Laws**

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

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

This poster provides some information about Texas' child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. Federal laws provide for certain exemptions. Please call TWCC, Wage and Hour Department concerning questions about the law. The Fair Labor Standards Act (FLSA) governs federal law 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 866-487-9243

The following are prohibited occupations for 14- through 17-year-old children:  
(1) on or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments.  
(2) involving the driving of motor vehicles and outside repairs:  
A. on any public road or highway,  
B. in or about any place where logging or sawmill operations are in progress, or  
C. in excavations.  
(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)  
(3) connected with coal mining.  
(4) in logging and sawmill occupations and occupations involving freighting and timber tracts.  
(5) in operating or assisting to operate power-driven woodworking machines,  
(6) involving exposure to radioactive substances and to ionizing radiations,  
(7) in operating or assist to operate 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,  
(9) in connection with mining, other than tip-breaking operations,  
(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, bandsaws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood-chippers,  
(15) in wrecking, demolishing and high-pressure 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 involving sales and solicitation by a child under 18 years of age. Consult §1.0145 Texas Labor Code for exceptions and requirements.  
(2) Occupations in sexually oriented businesses by a child under 21 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 children under 14 and 15 years of age include occupations:  
(1) on or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments,  
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(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 involving sales and solicitation by a child under 18 years of age. Consult §1.0145 Texas Labor Code for exceptions and requirements.  
(2) Occupations in sexually oriented businesses by a child under 21 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 children under 14 and 15 years of age include occupations:  
(1) on or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments,  
(2) involving the driving of motor vehicles and outside repairs:  
A. on any public road or highway,  
B. in or about any place where logging or sawmill operations are in progress, or  
C. in excavations.  
(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)  
(3) connected with coal mining.  
(4) in logging and sawmill occupations and occupations involving freighting and timber tracts.  
(5) in operating or assisting to operate power-driven woodworking machines,  
(6) involving exposure to radioactive substances and to ionizing radiations,  
(7) in operating or assist to operate 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,  
(9) in connection with mining, other than tip-breaking operations,  
(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,  
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