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## LaborLawCenter.com 1-800-745-9970 • Product ID: KS50

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## **EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW**

## 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

KANSAS

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.

**GENETICS** 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 medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION** 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 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 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.

**PAY SECRECY** Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the

levels of employment, including the executive level. **PROTECTED VETERANS** 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, compensation of other applicants or employees. **INDIVIDUALS WITH DISABILITIES** Section 503 of the Rehabilitation or otherwise opposes discrimination under these Federal laws. Any Act of 1973, as amended, protects qualified individuals with disabilities person who believes a contractor has violated its nondiscrimination from discrimination in hiring, promotion, discharge, pay, fringe or affirmative action obligations under the authorities above should benefits, job training, classification, referral, and other aspects of contact immediately: The Office of Federal Contract Compliance employment. Disability discrimination includes not making reasonable Programs (OFCCP), U.S. Department of Labor, 200 Constitution accommodation to the known physical or mental limitations of an Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) otherwise gualified individual with a disability who is an applicant or or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at employee, barring undue hardship to the employer. Section 503 also OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office listed in most telephone directories under U.S. Government requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all Department of Labor.

## **NO SMOKING NOTICE**

**NO SMOKING** Smoking prohibited by state law. www.KSsmokefree.org 1-877-416-8547

## FAIR HOUSING ACT

## WANTED: FAIR HOUSING

Without regard to race, religion, color, sex, race by association, national origin, ancestry, familial status, disabilities, retaliation in the areas of sales, rentals, financing and other terms and conditions.

#### **KANSAS HUMAN RIGHTS COMMISSION AREA OFFICES**

MAIN OFFICE TOPEKA: 900 S.W. Jackson, Suite 568-South Topeka, KS 66612 Voice (785) 296-3206 Fax (785) 296-0589 TTY (785) 296-0245 Toll-Free (888) 793-6874

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DODGE CITY OFFICE: WICHITA OFFICE: 300 W. Douglas, Suite 220 Military Plaza Office, Suite 220 Wichita, KS 67202 100 Military Plaza Dodge City, KS 67801 Voice (316) 337-6270 Fax (316) 337-7376

(620) 225-4804 Fax (620) 225-4986



## WITHHOLDING STATUS

### YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you... • Marry or divorce? • Gain or lose a dependent? • Change your name? Were there major changes to... Your nonwage income (interest, dividends, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)?

See your employer for a copy of Form W-4 or call the "IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site.

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Publication 213

Cat. No. 11047P

(Rev. 8-2009)

## FMLA - FAMILY AND MEDICAL LEAVE ACT

## **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:

• To bond with a child (leave must be taken within 1 year of the child's 30-days' notice, an employee must notify the employer as soon as 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 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' • The birth of a child or placement of a child for adoption or foster care; advance notice of the need for FMLA leave. If it is not possible to give 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.

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

**EMPLOYER RESPONSIBILITIES** Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. **ENFORCEMENT** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

WH1420a REV 04/10 For additional information or to file a complaint: 日路日 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV U.S. Department of Labor | Wage and Hour Division

CHILD LABOR LAWS



EMPLOYMENT STANDARDS 401 SW TOPEKA BLVD TOPEKA, KS 66603-3182 (785) 296-5000 www.dol.ks.gov

IT SHALL BE A VIOLATION OF LAW for any child under 16 years of age to be employed, permitted or suffered to work in the business establishment before 7 a.m., or after 10 p.m., on days preceding a school day, or for more than eight hours per day, or 40 hours per week when school is not in session.

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

#### **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

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

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.

Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

## WORKERS' COMPENSATION

This notice must be posted and maintained by the employer in one or more conspicuous places.

### **Workers Compensation Rights and Responsibilities**

Your employer is subject to the Kansas Workers Compensation Law which provides compensation for job related injuries.

This notice applies to dates of accidents on or after April 25, 2013. Este aviso aplica a las fechas de los accidentes a partir de Abril 25, 2013.

#### WHAT TO DO IF AN INJURY OCCURS ON THE JOB

NOTIFY YOUR EMPLOYER IMMEDIATELY. Per K.S.A. 44-520, a claim may be denied if an employee fails to notify their employer within the earliest of the following dates: (A) 20 calendar days from the date of accident or the date of injury by repetitive trauma; (B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or (C) if the employee no longer works for the employer against whom benefits are being sought, **10 calendar days** after the employee's last day of actual work for the employer.

Notice may be given orally or in writing. Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager

Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment.

The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

BENEFITS. Benefits are paid by the employer's insurance carrier or self insurance program. Benefits include medical treatment, partial wage replacement for lost time and additional benefits if the injury results in permanent disability. An employer is required to furnish all necessary medical treatment and has the right to designate the treating physician. If the employee seeks treatment from a doctor not authorized by the employer, the employer or its insurance carrier is only liable up to \$500.00 dollars for the unauthorized medical treatment

QUE HACER SI UNA LESIÓN OCURRE EN EL TRABAJO NOTIFIQUE A SU EMPLEADOR INMEDIATAMENTE. De acuerdo con el artículo de ley K.S.A. 44-520, un reclamo puede ser negado si el empleado no notifica a su empleador dentro de antes de las siguientes fechas: (A) 20 días a partir de la fecha del accidente o la fecha de la lesión debido a trauma por movimientos repetitivos; (B) si el empleado está trabajando con el empleador en contra del cual se están buscando beneficios y dicho empleado busca tratamiento médico por cualquier lesión por accidente o trauma repetitiva, **20 días** a partir de la fecha que dicho tratamiento médico ha sido obtenido; o (C) si el empleado ya no trabaja para el empleador en contra del cual se están buscando beneficios, 10 días después del último día de trabajo para dicho empleador.

El aviso puede darse oralmente o por escrito. Donde el aviso se da oralmente, si el empleador ha designado un individuo o departamento a quien el aviso se debe dar y tal designación ha sido comunicada por escrito al empleado, aviso a cualquier otro individuo o departamento deberá ser insuficiente bajo esta sección. Si el empleador no ha designado a un individuo o departamento a quien se debe dar el aviso, el aviso puede darse a un supervisor o gerente.

Donde el aviso se hace por escrito, el aviso debe ser enviado a un supervisor o gerente de la oficina principal de empleo del trabajador. El aviso, sea que se haga oralmente o por escrito, debe incluir la hora, fecha, lugar, persona lesionada y detalles de tal lesión. Debe ser visible a partir del contenido del aviso, que el empleado está reclamando beneficios bajo la ley de compensación del trabajador o que ha sufrido una lesión relacionada con el trabajo.

**SENEFICIOS.** Los beneficios son pagados por la compañía aseguradora del empleador o programa de seguro propio. Los beneficios incluyen tratamiento médico, reemplazo de sueldo parcial por tiempo perdido y beneficios adicionales si la lesión resulta en incapacidad permanente. El empleador debe proporcionar todo el tratamiento médico necesario y tiene el derecho de designar el doctor para dicho tratamiento. Si el empleado busca tratamiento con un doctor que no ha sido autorizado por el empleador, el empleador o su compañía aseguradora serán responsables de pagar solamente los primeros \$500.00 dólares para tratamiento médico no autorizado.

#### WHERE TO GET HELP WITH YOUR CLAIM (DÓNDE CONSEGUIR AYUDA CON SU RECLAMO):

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mpio	yer's insuranc	ce Carrier (	Compania	Aseguradora	aei	Empleador

Telephone (Teléfono de la Aseguradora)

#### Address (Dirección de la Aseguradora)

For Questions about Workers Compensation Law contact (Para preguntas acerca de la Ley de Compensación del Trabajador):

KANSAS DEPARTMENT OF LABOR Division of Workers Compensation/Ombudsman 401 SW Topeka Blvd., Suite 2, Topeka, KS 66603-3105 Website: www.dol.ks.gov/workcomp/default.aspx E-mail: wc@dol.ks.gov Phone: (800) 332-0353 or (785) 296-4000

Your itemized deductions? Your tax credits? If you can answer "YES"...



To any of these questions or you owed extra tax when you Department of the Treasury filed your last return, you may need to file a new form W-4. Internal Revenue Service www.irs.gov

#### UNEMPLOYMENT COMPENSATION

#### **Notice to Workers About** Kansas **UNEMPLOYMENT INSURANCE**

Our organization participates in the Kansas Unemployment Insurance Program. Should you become unemployed, you can learn about unemployment benefits and apply online at www.GetKansasBenefits.gov.

> If you are unable to apply online, you can apply for benefits by calling the Kansas Unemployment Contact Center.

#### Kansas Unemployment Contact Center

Kansas City Area	(913) 5	96-35	00
Topeka Area	(785) 5	75-14	60
Wichita Area	(316) 3	83-99	947
Toll free outside these areas	(800) 2	92-63	33

Speech and/or hearing disabled Kansans can access the Kansas Relay Center by calling toll free...... (800) 766-3777

Claims specialists are available Monday through Friday from 8:00 a.m. until 4:15 p.m., except on state holidays.

The Kansas Unemployment Insurance Program

is administered by:

KANSAS DEPARTMENT OF LABOR 401 SW Topeka Blvd. Topeka, KS 66603-3182

## Aviso Para el Trabajador Sobre **EL SEGURO DE DESEMPLEO**

Nuestra organización participa en el programa del Seguro de Desempleo de Kansas. Si acaso llega ser desempleado puede aprender mas sobre los beneficios de desempleo y aplicar en www.GetKansasBenefits.gov.

Si no puede aplicar por la Internet, usted puede aplicar por beneficios de desempleo al llamar al Centro de Contacto de Desempleo de Kansas.

#### Centro de Contacto de Desempleo de Kansas

Área de Kansas City	(913) 596-3500
Área de Topeka	(785) 575-1460
Área de Wichita	(316) 383-9947
Si vive fuera de las áreas de llamadas	(800) 292-6333

Para ayuda con el habla y el audio llame al Kansas Relay Center..... (800) 766-3777

Disponibilidad de Especialistas de Reclamo lunes - viernes 8:00 a.m. - 4:15 p.m. La oficina esta cerrada durante los días festivos reconocidos por el estado de Kansas.

> El programa de Seguro de Desempleo de Kansas es administrado por: KANSAS DEPARTMENT OF LABOR 401 SW Topeka Blvd. Topeka, KS 66603-3182

## **EQUAL OPPORTUNITY IN PUBLIC ACCOMMODATIONS**

## **KANSAS LAW PROVIDES EQUAL OPPORTUNITY IN PUBLIC ACCOMMODATIONS**

#### Without regard to:

FURTHER, IT SHALL BE A VIOLATION OF LAW to employ, permit or suffer to work any child under 18 years of age in any vocation which has been declared by Rule or Regulation of the Secretary of Labor to be dangerous or injurious to the life, health, morals or welfare of a minor.

WORK PERMITS SHALL BE REQUIRED when the minor is under 16 years of age and ONLY when such minor is NOT enrolled in or attending any secondary school.

**NOTICE OF HOURS** (KSA 38-605) that every employer shall keep this notice posted in a conspicuous place near the principal entrance in an establishment where children under 16 years of age are employed, permitted or suffered to work. This notice shall state the maximum number of hours each child may be required or permitted to work, on each day of the week, the hours of commencing and stopping work and the hours allowed for dinner and other meals.

This poster is not required and should not be posted if you are covered under the Federal Child Labor Law. If you are unsure, it is suggested that you contact the US Department of Labor for information. You may contact the following federal office:

> Wage and Hour Division Gateway Tower II 400 State Ave., Suite 1010 Kansas City, KS 66101 (913) 551-5721 Toll Free (866) 487-9243



### USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

#### 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

K-ESLR 100 (Rev. 5-12)

**K**ansas

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 are obligated to serve in the uniformed service;

- then an employer may not deny you:
- initial employment;
- reemployment;
- retention in employment;
- promotion; or

K-CNS 405 (Rev. 11-12)

any benefit of 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.

U.S. Department of Justice Office of Special Counsel



against an employer for violations of USERRA.

notices for employees.

**HEALTH INSURANCE PROTECTION** 

in the military.

**ENFORCEMENT** 

**USERRA** violations.

• If you leave your job to perform military service, you have the right

coverage for you and your dependents for up to 24 months while

• 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

exclusions) except for service-connected illnesses or injuries.

• The U.S. Department of Labor, Veterans Employment and Training

• For assistance in filing a complaint, or for any other information on

USERRA, contact VETS at **1-866-4-USA-DOL** or visit its web site at:

• 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.

The rights listed here may vary depending on the circumstances. 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

• You may also bypass the VETS process and bring a civil action

http://www.dol.gov/vets. An interactive online USERRA Advisor

can be viewed at: http://www.dol.gov/elaws/userra.htm.

Service (VETS) is authorized to investigate and resolve complaints of

waiting periods or exclusions (e.g., pre-existing condition

to elect to continue your existing employer-based health plan

## **OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT**

## **EMPLOYEE POLYGRAPH PROTECTION ACT**

## EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

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 or for exercising other rights under the Act.

**EXEMPTIONS** Federal, State and local governments are not the Federal Government to certain private individuals engaged in 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

The Employee Polygraph Protection Act prohibits most not preempt any provision of any State or local law or any private employers from using lie detector tests either for pre- collective bargaining agreement which is more restrictive with respect to lie detector tests.

**EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct test, and from discharging, disciplining, or discriminating against and length of the test. Examinees have a number of specific an employee or prospective employee for refusing to take a test 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.

affected by the law. Also, the law does not apply to tests given by **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. national security-related activities. The Act permits polygraph (a Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WH1462 REV 07/16

**≋WH**₽

WH1088 REV 07/16



## ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

> For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

## FEDERAL MINIMUM WAGE

## **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

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

**OVERTIME PAY** At least 1 <sup>1</sup>/<sub>2</sub> times your 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, nonmining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment. **TIP CREDIT** Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. **NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from

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 employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections 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

RACE, RELIGION, COLOR, SEX, DISABILITY, NATIONAL ORIGIN, OR ANCESTRY IN THE FULL AND EQUAL USE AND ENJOYMENT OF GOODS, SERVICES, AND FACILITIES OFFERED BY PLACES OF PUBLIC ACCOMMODATIONS WITHIN THE STATE OF KANSAS

#### "Protecting your rights under the law"



#### report discrimination to:

## **KANSAS HUMAN RIGHTS COMMISSION AREA OFFICES:**

#### MAIN OFFICE TOPEKA: 900 S.W. Jackson Suite 568 South Topeka, Kansas 66612

Voice (785) 296-3206 Fax (785) 296-0589 TTY (785) 296-0245 Toll-Free (888) 793-6874

#### DODGE CITY OFFICE: Military Plaza Offices Suite 220 100 Military Plaza, Dodge City, Kansas 67801 Voice (620) 225-4804 Fax (620) 225-4986

WICHITA OFFICE: 300 W. Douglas Suite 220 Wichita, Kansas 67202 Voice (316) 337-6270 Fax (316) 337-7376

## DISCRIMINATION

## **KANSAS LAW PROVIDES**

Equal opportunity in employment without regard to race, religion, color, sex, disability, national origin, ancestry, or age. Genetic Testing and Screening is also prohibited.

If you have suffered discrimination in recruitment, hiring, placement, promotion, transfer, training, compensation, layoff, or termination contact...

## **KANSAS HUMAN RIGHTS COMMISSION AREA OFFICES:**

MAIN OFFICE TOPEKA:	DODGE CITY OFFICE:	WICHITA OFFICE:
900 S.W. JACKSON	MILITARY PLAZA OFFICES	300 W. DOUGLAS
SUITE 568-SOUTH	SUITE 220	SUITE 220
TOPEKA, KANSAS	100 MILITARY PLAZA	WICHITA,
66612-1258	DODGE CITY, KS	KS 67202
Voice (785) 296-3206	67801-4945	Voice (316) 337-6270



## **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 an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. 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.

## **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.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- 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.

FREE ASSISTANCE to identify and correct hazards is available to small and mediumsized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



# FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009





