

EOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

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PRIVATE EMPLOYERS ARE ADVERSELY AFFECTED BY NATIONAL 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, prohibits discrimination on the basis of race, color, religion, sex, national origin, or national origin. Religious discrimination includes, but is not limited to, reasonable accommodation of an employee's religious practices where the accommodation does not result in undue hardship to the employer.

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. An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more of his or her major life activities. The Act also prohibits discrimination on the basis of disability on the basis of genetic information.

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. 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.

SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, an amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women 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, 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 Executive Order 11246, as amended, protects applicants and employees from discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin in the payment of wages. It also prohibits discrimination in the compensation of other employees or applicants.

INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability in the 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.

RETIRES The Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination in the payment of wages to employees 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

Individuals with disabilities at all levels of employment, including the executive level, are protected under Federal law from discrimination on the following bases:

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, individuals who are disabled veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or veterans of the National Guard or Reserve who served on active duty.

RETIRES Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OCECP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who files a complaint or participates in an OCECP proceeding or otherwise opposes discrimination is protected from retaliation. Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OCECP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who files a complaint or participates in an OCECP proceeding or otherwise opposes discrimination is protected from retaliation.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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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.

If you believe that you have experienced discrimination contact OCECP: 1-800-397-4251 TTY: 1-877-889-5627 www.dol.gov

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests 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 job applicant who refuses to take a test or for exercising their 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 tests to be administered in the private sector in connection with the hiring of individuals to certain positions of national security, or to certain positions of national security, or to certain positions of national security.

MAINE MINIMUM WAGE

MINIMUM WAGE

Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.

This poster is available online at no charge and may be copied: <https://www.maine.gov/labor/posters/>

Minimum Wage is \$12.15 per hour effective January 1, 2021

Minimum Wage Under Maine labor laws, any business operating in the state with one or more employees is automatically covered by state law. It includes all public and private employers regardless of profit or size. Effective January 1, 2021, the minimum wage in Maine is \$12.15 per hour.

Municipal Minimum Wage Ordinances Employers with employees who work in Bangor and/or Portland or any other municipality that passes a local minimum wage ordinance, may be subject to additional regulations and should check with municipal officials.

Service Employee A service employee is someone who regularly receives more than a \$30 a month in tips. As of January 1, 2021, employers must pay a direct wage of at least \$6.08 per hour to service employees. The direct wage combined with earned tips do not average, on a weekly basis, the state required minimum wage, the employer must pay the difference.

Overtime Unless specifically exempted, employees must receive overtime pay for hours worked in excess of 40 in a workweek. This includes all public and private employers regardless of profit or size. Effective January 1, 2021, overtime pay is one and one-half their regular rate of pay. Employers have the right to pay or deny overtime, but if overtime is worked, it must be paid in accordance with state requirements. Compensatory or "comp" time cannot be used by private-sector employers, although public-sector employers may use compensatory time to flex their time within the workweek (but not the pay period if the pay period is longer than seven day cycle in the workweek).

CHILD LABOR LAWS

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Child Labor Laws of the State of Maine provide protection for people under the age of 18 in both agricultural and nonagricultural jobs. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply. This poster describes some important parts of the laws. A copy of the actual laws and formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 623-7900. (The laws are also on the Bureau website).

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14 and 15 year olds may work in most businesses, except in occupations declared hazardous and jeopardize their health, well-being or educational opportunities. **16 and 17 year olds** may work in most businesses, however not in hazardous jobs. These provisions also provide limited exemptions. Contact the Bureau of Labor Standards for details.

Work Permits

- All minors under 16 years of age need work permits in order to work.
- Superintendent of schools certifies academic standing.
- Minor allowed only one permit during the school year but two during summer vacation.
- Minor cannot work until permit is approved by Bureau of Labor Standards.
- Employer keeps Bureau-approved permit on file.

Recordkeeping All employers must keep accurate payroll records for workers under 18. Records must show what time the minor began work, total hours worked, and what time the minor finished work each day.

Notes: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716 or <http://youth.dol.gov/>.

WORKERS' COMPENSATION

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Notice to Employers: State law requires your employer to provide workers' compensation insurance for its employees. Workers' compensation insurance provides benefits to employees who are injured at work. Notify YOUR EMPLOYER AT ONCE. You may lose your right to receive benefits unless your employer is notified within 60 days of your injury. Your claim is also subject to a two year statute of limitations. Worker advocates are available at the Workers' Compensation Board to help injured workers. It is against the law for employers to misclassify employees as independent contractors for the purposes of avoiding workers' compensation insurance, unemployment coverage, or other employer paid taxes and withholdings. For more information on laws pertaining to the hiring of independent contractors, visit the Worker Misclassification Task Force website at www.maine.gov/labor/misclassification. If you have any questions about your rights, please contact one of the regional offices.

A l'intention des Employeurs: D'après les lois de l'état du Maine, votre employeur est tenu de souscrire à une assurance contre les accidents de travail. Cette assurance est obligatoire pour tous les employés. Les lois de l'état du Maine exigent que vous informiez votre employeur IMMÉDIATEMENT. Passé un délai de 60 jours, vous risquez de perdre vos droits à l'indemnité. Au-delà de deux ans, votre déclaration n'est plus recevable. Pour aider les victimes d'un accident du travail, le Bureau de la Compensation des Blessés et des Invalides de l'État du Maine offre des services de conseil gratuits. Il est contraire de la loi d'employer des travailleurs classés comme indépendants pour éviter de payer des cotisations d'assurance contre les accidents de travail, de l'assurance chômage, ou d'autres cotisations de retenues dues par l'employeur. Pour plus de détails sur la législation relative à l'utilisation des services privés, visitez le site internet de Worker Misclassification Task Force (Unité anti-fraude en matière de classification des salariés): www.maine.gov/labor/misclassification. Si vous n'êtes pas sûr de vos droits, veuillez contacter un de nos bureaux régionaux.

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VIDEO DISPLAY TERMINALS

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The Maine Video Display Terminal (VDT) Law gives certain rights to people who use computers for work.

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Video Display Terminals MSA Title 26 5251.

- Bureau "Bureau" means the Department of Labor, Bureau of Labor Standards.
- Employ "Employer" means to employ or permit to work.
- Employee "Employee" means any person engaged to work on a steady or regular basis as an operator by an employer located or doing business in the State.
- Employer "Employer" means any person, partnership, firm, association or corporation, public or private that uses 2 or more terminals at one location.
- Operator "Operator" means any employee whose primary task is to operate a terminal for more than four consecutive hours, exclusive of breaks, on a daily basis.
- Terminal "Terminal" means any electronic video screen data presentation machine, commonly called video display terminals.

Full text of the statute visit MSA Title 26 5251, 252.

If you have questions about working safely at the computer, speak to your supervisor or contact the Maine Department of Labor Bureau of Labor Standards TTY users call Maine Relay 711 1-877-889-5627 (1-877-733-3345) www.maine.gov/labor/bls Email: bls.mdo@maine.gov

Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.

PAYDAY NOTICE

Regular Paydays for Employees of

If you can answer "YES..." (Company Name) Shall be as follows:

Weekly Bi-Weekly Monthly Other

By: _____ Title: _____

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

See your employer for a copy of Form W-4 or call the IRS at 1-800-829-1040 (toll-free).

Now is the time to check your withholding. For more details, get Publication 519, How Do I Adjust My Tax Withholding, or the Withholding Calculator at www.irs.gov/individuals on the IRS web site.

Employer: Please post or publish this Bulletin Board Poster so that you can be sure you are withholding the correct amount. You can get forms and information on this subject.

IRS Internal Revenue Service www.irs.gov Publication 213 (Rev. 8-2009) Cat. No. 11047P

UNEMPLOYMENT INSURANCE

Maine Employment Security Law

This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It does not have the force of effect law. For more information, call 1-800-593-7660 toll-free.

This poster is available online at no charge and may be copied: <https://www.maine.gov/labor/posters/>

Full- and Part-Time Workers

How to file a claim for unemployment benefits: All new and reactivated claims for unemployment benefits are filed either online, telephone or by mail. Do not delay in filing your claim once you are out of work. Claims cannot be backdated. When filing, you must provide your Social Security Number. Also, you should have the names and addresses of all employers for whom you worked, and your dates of employment in the last 18 months.

To file online: www.maine.gov/reemploy This is the fastest, easiest way to file.

To file by phone: 1-800-593-7660 TTY Users Call Maine Relay 711

All individuals filing for Unemployment Insurance benefits are required by law to be registered with the Maine JobLink. Visit www.mainejoblink.com to access Maine JobLink.

Language Interpreter Services: In approximately 140 commonly spoken languages. Arrangements will be made to have an interpreter assist you when you call the Unemployment Claims Center.

Unemployment Insurance: In some cases, your employer will give you a claim form. Mail your initial claim form to the Unemployment Claims Center listed below.

Maine Department of Labor Bureau of Unemployment Compensation 97 State House Station, Augusta, ME 04333-0097

HUMAN RIGHTS ACT

EQUAL OPPORTUNITY IS THE LAW

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

because of previous actions taken that are protected under the Whistleblowers' Protection Act:

- Fail or refuse to hire or otherwise discriminate against an applicant for employment.
- Discriminate against an employee or applicant in hiring, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment.
- Retaliate against an employee who has filed a charge of discrimination, participated in a discrimination proceeding, or opposed a violation of the Maine Human Rights Act.

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT: MAINE HUMAN RIGHTS COMMISSION 51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051 PHONE: (207) 624-6290 FAX: (207) 624-8729 TTY: 1-800-577-6690 www.maine.gov/mhrc

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FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

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

OVERTIME PAY At least 1 1/2 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. A minor cannot work after 9 p.m. and before 5 a.m. 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 within certain work-hour restrictions. **TIP CREDIT** Employers of "tipped employees" who meet certain conditions may claim a partial tip credit against their minimum hourly wage. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their 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 employer to express breast milk for her nursing child for one year after the child's birth each time the employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, for the employee to express breast milk 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 penalties.

REGULATION OF EMPLOYMENT

Regulation of Employment

Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply. This poster describes some important parts of the laws. A copy of the actual laws and formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 623-7900. (The laws are also on the Bureau's web site).

This poster is available online at no charge and may be copied: <https://www.maine.gov/labor/posters/>

Time of Payment Employees must be paid in full at least every 16 days. Employees must be notified of any decrease in wages or salary at least one day prior to the change.

Payment of Wages Employees who leave a job must be paid in full on the next payday or within two weeks, whichever is earlier. This may also include the payment of accrued vacation pay and/or Earned Paid Leave if established in company policy or in practice.

Unfair Agreement Employers cannot require that an employee pay for losses such as broken merchandise, bad checks, or bills not paid by customers, nor for special uniforms and certain tools of the trade.

Rest Breaks Most employees must be offered a 30-minute paid or unpaid rest break after 6 hours of work. Nursing mothers must be provided with unpaid break time or be permitted to use their paid break or meal time to express milk. The employer must make reasonable efforts to provide a clean room or location, other than a bathroom, where the milk can be expressed.

Family Medical Leave An employee who has worked for the last 12 months at a workplace with 15 or more employees can have leave for up to 10 paid or unpaid weeks in 2 years for:

- Birth or adoption of a child or domestic partner's child.
- Serious illness of the employee or immediate family member, including domestic partner.
- Organ donation.
- Death or serious health condition of the employee's spouse, domestic partner, child if it occurs while the spouse, domestic partner, parent or child is in active duty.
- Serious illness or death of a sibling who shares joint living and financial arrangements with the employee.

(Federal family medical leave is different, call 866-487-3243 for more information.)

For more information, contact: Maine Department of Labor Bureau of Labor Standards 45 State House Station, Augusta, Maine 04333-0045 Located at: 45 Commerce Drive Telephone: 207-623-7900 TTY users call Maine Relay 711. Web site: www.maine.gov/labor/bls Email: bls.mdo@maine.gov

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Leave for Victims of Violence, Assault, Sexual Assault or Stalking Must be allowed upon request if an employee (or a child, parent or spouse of an employee) is a victim of violence, assault, sexual assault or stalking or any other act that would support an order for protection under Title 19-A, M.R.S.A. c. 101 and the employee needs the time to:

- Prepare for and attend court proceedings or
- Receive medical treatment or
- Obtain necessary services to remedy crisis.

Leave to Care for Family If the employer's policy provides for paid time off, the employee must use that time to care for a family member who is ill. **Earned Paid Leave (Effective 01.01.2021)** An employer that employs more than 10 employees in the usual and regular course of business for more than 120 days in any calendar year shall permit each employee to earn paid leave based on the employee's base pay. An employee is entitled to earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at the start of employment, but the employer is not required to permit use of the leave before the employee has been employed by that employer for 120 days during a one-year period. **Earned Income Tax Credit** Employees may be eligible for federal and state earned income tax credits. Employees may apply for the tax credits on the employee's income tax return certified by the Department of Labor. **Notes:** Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 866-487-9243.

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