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

### **YOUR RIGHTS UNDER USERRA** THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

OKLAHOMA

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 RIGHT**

You have the right to be reemployed in your civilian job if you leave that job to perform **HEALTH INSURANCE PROTECTION** service in the uniformed service and: · If you leave your job to perform military service, you have the right to elect to continue

• 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 employe

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 disgualifying discharge or under other than honorable conditions.

f 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; hen an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status n addition, an employer may not retaliate against anyone assisting in the enforcement

• You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. of USERRA rights, including testifying or making a statement in connection with a

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



### PUBLIC EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH

# **PUBLIC EMPLOYEE JOB SAFETY & HEALTH PROTECTION**

The Oklahoma Occupational Health & Safety Standards Act of 1970 provides job safety and health protection for public workers by promoting safe and healthful working conditions. As authorized by the Act, rules have been adopted to prevent accidents in all public work places, including public schools and all political subdivisions of city, county and state government. These rules include standards contained in the Federal Occupational Safety & Health Act of 1970 (OSHA) and other safety and health standards derived from national consensus standards.

### **EMPLOYERS**

shall interfere with the use of any method or process pursuant to the Act. adopted for the protection of an employee or any other person lawfully within such place of employment. No employer shall fail to obey orders necessary to protect the life, safety and health of public employees. Public

### **PROPOSED PENALTIES**

Each public employer shall establish and maintain safe The Attorney General, upon request of the Commissioner and healthful workplace conditions. Appropriate safety of Labor, shall bring an action against any person who devices shall be used where necessary to protect the life, violates any of the provisions of the Act or violates any health and safety of all public employees. No employer order or determination of the Commissioner promulgated

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Publication Date — April 2017

proceeding under USERRA, even if that person has no service connection

authorized to investigate and resolve complaints of USERRA violations.

exclusions) except for service-connected illnesses or injuries.

to 24 months while in the military.

applicable, for representation

ENFORCEMENT

your existing employer-based health plan coverage for you and your dependents for up

• Even if you don't elect to continue coverage during your military service, you have

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is

• 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

• 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

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

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

Any public employer or political subdivision failing to comply with any standards or interfering with, impeding or in any manner obstructing the administration of standards pursuant to the provisions of the Act may be

# **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 Civil GENETICS Title II of the Genetic Information Nondiscrimination Act of Rights Act of 1964, as amended, protects applicants and employees 2008 protects applicants and employees from discrimination based from discrimination in hiring, promotion, discharge, pay, fringe on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including employment. GINA also restricts employers' acquisition of genetic pregnancy), or national origin. Religious discrimination includes information and strictly limits disclosure of genetic information. failing to reasonably accommodate an employee's religious practices Genetic information includes information about genetic tests of where the accommodation does not impose undue hardship. applicants, employees, or their family members; the manifestation of **DISABILITY** Title I and Title V of the Americans with Disabilities Act of diseases or disorders in family members (family medical history); and 1990, as amended, protect gualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of

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employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise gualified individual with a disability who is an applicant or employee, barring undue hardship. AGE The Age Discrimination in Employment Act of 1967, as amended,

protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

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

#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

Applicants to and employees of companies with a Federal government contract or subcontract are protected

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 compensation of other applicants or employees.

NDIVIDUALS WITH DISABILITIES 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. 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

lf 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 activities

veterans, or Armed Forces service medal veterans. or affirmative action obligations under the authorities above should contact immediately: The Office of Federal Contract Compliance

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; OFCCP-Public@dol.gov, or by calling an OFCCP regional or district

### which receive Federal financial assistance

FOC 9/02 and OECCP 8/08 Versions Useable With 11/09 Su

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.

# FEDERAL MINIMUM WAGE

# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can Civil money penalties may also be assessed for violations of the FLSA's child labor 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 nonfarm 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 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 ELSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or epeated violation of the minimum wage or overtime pay provisions of the law.

• The birth of a child or placement of a child for adoption or foster care;

To care for the employee's spouse, child, or parent who has a qualifying

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

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

for the following reasons:

serious health condition;

employer's normal paid leave policies.

or placement);

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 wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION **WHE** UNITED STATES DEPARTMENT OF LABOR WH1088 REV 07/16 -866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd 

# 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 75 miles of the employee's worksite. can take up to 12 weeks of unpaid, job-protected leave in a 12-month period

\*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 To bond with a child (leave must be taken within 1 year of the child's birth 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. 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 neligibility. 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 employment terms and conditions. An employer may not interfere with an employer. The FMLA does not affect any federal or state law prohibiting individual's FMLA rights or retaliate against someone for using or trying to use discrimination or supersede any state or local law or collective bargaining FMLA leave, opposing any practice made unlawful by the FMLA, or being agreement that provides greater family or medical leave rights.

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 **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

Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free)

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

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.

disclosed to unauthorized persons.

plement to FEOC P/E-1(Revised 11/09) "FEO is the Law" Pos

subject to numerous strict standards concerning the conduct and

length of the test. Examinees have a number of specific 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

ENFORCEMENT The Secretary of Labor may bring court

actions to restrain violations and assess civil penalties against violators.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE

VAGE AND HOUR DIVISION

DEPARTMENT OF LABOR

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

**WHE** 

WH1462 REV 07/16

Employees or job applicants may also bring their own court actions.

EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

under Federal law from discrimination on the following bases: all levels of employment, including the executive level PROTECTED VETERANS The Vietnam Era Veterans' Readjustment

or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at

office, listed in most telephone directories under U.S. Government or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month

Department of Labor

employers must allow their employees to participate in mandatory training and education programs.

### **EMPLOYEES**

No public employee shall willfully remove, displace, damage, destroy, carry off or in any way interfere with the use of any safety device or safeguard furnished or provided for use in any place of public employment. No employee or agent of employees shall interfere with any method or process adopted for the protection of any employee or of any other person lawfully within such place of employment. No employee shall fail to obey orders necessary to protect the life, safety and health of public employees. Public employees must participate in mandatory training and education programs.

### **INSPECTIONS**

Without prior notification, authorized inspectors from the Oklahoma Department of Labor may, at any reasonable time, enter and inspect public places of employment in order to investigate matters deemed appropriate, and to determine if any person is violating any provision of the Act or any standards promulgated pursuant to it.

### **COMPLAINTS**

Public employees have the right to file a complaint requesting an investigation of unsafe or unhealthful conditions. No adverse personnel action may be taken against any employee who files a work- place safety or health complaint. Employees who believe they have been discriminated against on this basis may file a complaint with the Oklahoma Department of Labor.

### VIOLATIONS

If upon inspection the Oklahoma Department of Labor believes a public employer has violated the Act, a notice alleging such violation(s) will be issued to the employer. The notice will specify the time frame in which each violation must be corrected or a response provided. The commissioner of Labor may require the violation(s) be corrected immediately and/or that the alleged violator appear before the Commissioner or a designated representative at a specified time and place to answer the charges.

charged with a misdemeanor. Additionally, such employers or political subdivisions may be prevented, by cease and desist orders, from continuing such violation(s). Each day in which each violation occurs shall constitute a separate violation.

### **VOLUNTARY COMPLIANCE**

Safety and health education and training is the best way to help prevent and control occupational accidents. The Department of Labor provides public employers with free consultation services. The Department recognizes the outstanding efforts of participating employers.

#### **RECORDKEEPING REOUIREMENTS**

Public employers must maintain accurate work-related injury, exposure and illness incident records. Employers are to use the OK-300 recordkeeping system or its substantial equivalent. Calendar year totals (excluding names of employees) must be posted no later than February 1st of the year following the calendar year to which the report applies. This information must remain posted through the month of April. Public employers are required to maintain written safety and health programs.

#### **POSTING INSTRUCTIONS:**

This poster must be displayed in one or more conspicuous places where notices to employees are customarily posted. For assistance or additional information, contact:

**Oklahoma Department of Labor Public Employee Occupational Safety & Health** 

3017 North Stiles, Suite 100

Melissa McLawhorn Houston Commissioner of Labor

Oklahoma Department of Labor www.labor.ok.gov

### **OKLAHOMA MINIMUM WAGE**

# Your Rights Under the Oklahoma Minimum Wage Act

40 O.S. § 197.1 et seq.

### WHO IS AN EMPLOYEE?

# WHO IS AN EMPLOYEE?

40 O.S. § 197.4 (e) – "Employee" includes any 40 O.S. § 197.4 (d) – "Employer" means individual employed by an employer but shall any individual, partnership, association, not include: corporation, business trust, or any person

(1) An individual employed on a farm, in or group of persons, hiring more than ten the employ of any person, in connection full- time employees or equivalent at any with the cultivation of the soil, or in one location or place of business; provided, furnishing the uniforms. connection with raising or harvesting any however, if an employer has less than ten agricultural commodity, including raising, full-time employees or equivalent at any shearing, feeding, caring for, training, and one location or place of business but does management of livestock, bees, poultry, a gross business of more than One Hundred and fur bearing animals and wildlife, or Thousand Dollars (\$100,000.00) annually, in the employ of the owner or tenant or said employer shall not be exempt under the other operator of a farm in connection provisions of this act. This act shall not apply to with the operation, management, employers subject to the Fair Labor Standards conservation, improvement, or maintenance Act of 1938, as amended, and who are paying

# **HOW DO UNIFORMS AFFECT MINIMUM WAGE?**

Marry or divorce?

Change your name?

ended a job)?

Your tax credits?

40 O.S. § 197.17 – Business establishments that furnish uniforms to their employees may take credit against the minimum wage in an amount equal to the reasonable cost of

# EMPLOYEE POLYGRAPH PROTECTION ACT

### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests. employers from using lie detector tests either for pre-employment screening or during the course of employment. EXAMINEE RIGHTS Where polygraph tests are permitted, they are

**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. 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 not preempt

# PAYDAY NOTICE

# **Regular Paydays for Employees of**

#### (Company Name) Shall be as follows: Other Weekly Bi-Weekly Monthly

# WITHHOLDING STATUS

### YOU MAY NEED TO CHECK YOUR WITHHOLDING

See your employer for a copy of Form W-4 or call the IRS Since you last filed form W-4 with your employer did you... at 1-800-829-3676. Now is the time to check your withholding. For more details, Gain or lose a dependent? get Publication 919, How Do I Adjust My Tax Withholding?, Were there major changes to... • Your nonwage income (interest, dividends, capital gains, etc.)? on the IRS web site · Your family wage income (you or your spouse started or forms and information on this subject. Your itemized deductions Strain IRS If you can answer "YES"... To any of these questions or you owed extra tax when you filed Department of the Treasury your last return, you may need to file a new form W-4.

or use the Withholding Calculator at www.irs.gov/individuals Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get Publication 213

> (Rev. 8-2009) Cat. No. 11047P

Internal Revenue Service www.irs.gov

UNEMPLOYMENT COMPENSATION

**NOTICE TO WORKERS** If you lose your job or if you work less than full time and get less than your full time wages - you may be entitles to receive unemployment insurance benefits. Ask your employer for a free copy of the booklet entitled *Information for Workers Who Are* Unemployed or obtain a copy from the nearest Workforce Oklahoma office or go online at www.oesc.ok.gov. This explains your rights and how to file an unemployment insurance claim. All unemployment claims are now filed by telephone or internet. You may obtain help in finding a job or obtain help in finding your claim at the nearest Workforce Oklahoma office of the Oklahoma Employment Security Commission.

NOTICE TO EMPLOYERS: It is required by Sec. 2-502 if the Oklahoma Employment Security Act that you shall post and maintain this notice in places readily accessible to individuals in your employ. Copies may be obtained from the Oklahoma Employment Security Commission, PO Box 52003, Oklahoma City OK 73152 or go online at www.oesc.ok.gov OES-44 (Rev 6-10)

# **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT

volved 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; • Work at a location where the employer has at least 50 employees within Have at least 1,250 hours of service in the 12 months before taking leave;\* and



# WORKERS' COMPENSATION

### CC-Form-1A

### Oklahoma Workers' Compensation Notice and Instruction to Employers and Employees

All employees of this employer who are entitled to benefits of the Administrative Workers' Compensation Act are hereby notified that this employer has complied with all rules of the Workers' Compensation Commission and that this employer has secured payment of compensation for all employees and their dependents in accordance with the Act. All employees are further notified this employer will furnish first aid, medical, surgical, hospital, optometric, podiatric, and nursing services, medicine, crutches and other apparatus as may be reasonably necessary in connection with the injury received by the employee, as well as payments of compensation to any injured employee or the employee's dependents as provided in the Act.

Any employee who has suffered a compensable injury covered by the Administrative Workers' Compensation Act is entitled to vocational rehabilitation services, including retraining and job placement, if, as a result of the injury, the employee is unable to perform work for which the person has previous training or experience

The Oklahoma Workers' Compensation Commission has a Counselor Division to provide information to injured workers, employers, and other interested Mediation is available to help resolve certain workers' ompensation disputes. For information, call the

ounselor Division at 405-522-5308 or In-State Toll

Free 855-291-3612.

Signature of Employer

Insurer Name and Address

Date of Expiration of Insurance Policy (Not applicable to employers authorized to self-insure.)

### Employee's Responsibilities In Case of Work Related Injury

f accidentally injured or affected by cumulative trauma or an occupational disease arising out of and in the course of employment, however slight, the employee should notify the employer immediately. If this employer is a partnership, notice shall be given to any partner. If this employer is a corporation, notice shall be given to any agent or officer of the corporation upon whom legal process may be served. Notice shall also be given to the person in charge of business at the location of operations where the injury occurred. Unless oral or written notice is given to the employer within thirty (30) days, the claim for compensation may be forever barred.

The employee may file a claim for compensation with the WORKERS' COMPENSATION COMMISSION for an accidental injur y, death, cumulative trauma or occupational disease or illness occurring ON OR AFTER February 1, 2014. Forms to file a compensation claim should be furnished by this employer and also are available from the Workers' Compensation Commission. The forms are posted on the Commission's website, www.wcc.ok.gov.

A claim for compensation must be filed with the Commission within the time specified by law, or be forever barred. Based on law effective May 28, 2019, claim for compensation for any accidental injury must be filed with the Commission within one (1) year of the date of injury or, if the employee has received benefits under Title 85A for the injury, six (6) months from the date of the last issuance of such benefits; a death claim must be filed within two (2) years of the date of death; a claim for compensation for occupational disease or illness must be filed within two (2) years of the last injurious exposure; and a claim for compensation for cumulative trauma must be filed within one (1) year of the date of injury.

Claims for compensation for accidental injury, death, cumulative trauma or occupational disease or illness occurring BEFORE February 1, 2014 may be filed with the WORKERS' COMPENSATION COURT OF EXISTING CLAIMS and are subject to different notice of injury requirements and claims filing deadlines than those for accidental injury, death, cumulative trauma or occupational disease or illness occurring on or after February 1, 2014. Failure to comply with applicable notice requirements and deadlines may operate to forever bar the claim. Contact the WORKERS' COMPENSATION COURT OF EXISTING CLAIMS for additional information.

### Employer's Responsibilities

The employer must provide employees with immediate first aid, medical, surgical, hospital, optometric, podiatric, and nursing services, medicine, crutches and other apparatus as may be reasonably necessary in connection with the injury received by the employee. This applies to care for all injuries and illnesses arising out of and in the course of employment, regardless of their character. Within ten (10) days after the date of receipt of notice or knowledge of death or injury that results in the loss of time beyond the shift or medical attention away from the work site, the employer or the employer's representative MUST send a report thereof to the Workers' Compensation Commission via Electronic Data Interchange as specified in Commission rules

No agreement by any employee to pay any portion of the premium paid by the employer to a carrier or a benefit fund or department maintained by the employer for the purpose of providing compensation or medical services and supplies as required by the workers' compensation laws, shall be valid. Any employer who makes a deduction for such purposes from the pay of any employee entitled to benefits under the workers' compensation laws shall be guilty of a misdemeanor.

> No agreement by any employee to waive workers' compensation rights and benefits shall be valid. Any person who commits workers' compensation fraud, upon conviction, shall be guilty of a felony punishable by imprisonment, a fine or both.

Workers' Compensation Commission **1915 North Stiles Avenue** Oklahoma City, Oklahoma 73105-4918 Tele. 405-522-5308 (OKC) · 918-295-3732 (TU) · In-State Toll Free 855-291-3612

Web Site · www.wcc.ok.gov

This notice must be posted and maintained by the employer in one or more conspicuous places on the work premises. Revised 11-21-19



Oklahoma City, OK 73105 405-521-6100 888-269-5353



of such farm and its tools and equipment; the minimum wage under the provisions of

service in or about a private home; (3) Any individual employed by the United

States government; (4) Any individual working as a volunteer in a charitable, religious or other non profit organization;

(5) Any newspaper vendor or carrier;

- (6) Any employee of any carrier subject to regulation by Part 1 of the Interstate Commerce Act;
- (7) Any employee of any employer who is subject to the provisions of any Federal Fair Labor Standards Act or to any Federal Wage and Hour Law now in effect or enacted here-after; and who is paying the minimum wage under the provisions of this act;
- (8) Any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman;
- (9) Any person employed as part-time employee not on permanent status. A parttime employee is defined as an employee who is employed less than twenty-five (25) hours a week;
- (10) Any person who is less than eighteen (18) years of age and is not a high school graduate or a graduate of a vocational training program, and any person who is less than twenty-two (22) years of age and who is a student regularly enrolled in a high school, college, university or vocational training program;

(11) Any individual employed in a feedstore operated primarily for the benefit and use of farmers and ranchers; or (12) Any individual working as a reserve force deputy sheriff.

(2) Any individual employed in domestic said act, nor to employers whose employees are exempt.

> **State Minimum Wage \$7.25 per hour** Effective July 24, 2009

# Oklahoma **Department of Labor**





# **Leslie Osborn**

*Commissioner of Labor* 

# WHAT IS THE CIVIL PENALTY **FOR VIOLATIONS?**

40 O.S. § 197.8 - The Commissioner, after investigation, shall promptly make his finding in writing as to whether or not additional wages are due the employee. If the Commissioner finds that additional wages are due, ten percent (10%) of such amount due shall be added as penalty for such wage deficiency. The Commissioner shall mail said findings to the employer and to the employee by certified mail. Payment by the employer and acceptance by the employee of the amount so determined by the Commissioner shall absolve the employer of any further liability to the employee with respect to wages claimed by the employee for the period he was employed by the employer. 40 O.S. § 197.9 - Any employer who is found by a court of competent jurisdiction to have paid an employee wages less than those to which such employee is entitled, under or by virtue of this act, shall be liable to such

employee for double the full amount of such wages, less any amount actually paid to such employee by the employer, and for court costs, and such reasonable attorney fees as may be allowed by the court, which in no case shall be less than One Hundred Dollars (\$100.00). Any agreement between such employee and the employer to work for less than such wage rate

40 O.S. § 197.13 - Any employer, or the officer

# **NOTICE:**

State law requires employers to display this poster in such a manner so as to be accessible to all employees in each establishment under the control of the employer. It shall be unlawful to employ workers in any industry or occupation within the State of Oklahoma under conditions of labor detrimental to their health or morals and it shall be unlawful to employ workers in any industry within the State of Oklahoma at wages which are not adequate for their maintenance. Except as otherwise provided in

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

# CHILD LABOR LAWS

### STATE OF OKLAHOMA **CHILD LABOR LAW** Section 71 et. seq. of Title 40 of the Oklahoma Statutes

Applicable to minors UNDER 16 years of age

nimum Age 14 years of age **Employment Certificate** 

Employment certificate is issued by the school and is required for all employed minors, including home schooled minors and minors from out-of-state working in Oklahoma. Employers are required to have an employment certificate from the school before a minor is allowed to work

Note to Issuing Officer(s): Minors <u>must comply</u> with compulsory School Laws, Title 70 Section 10 lours Standard

School in session - minors restricted to: No more than three (3) hours per school day No more than eight (8) hours per non-school day

No more than eighteen (18) hours per school week School not in session – minors restricted to: No more than eight (8) hours per non-school day

No more than forty (40) hours per non-school week **Break Period** 

For every five (5) hours worked – Thirty (30) minute rest period For every eight (8) hours worked – One (1) hour rest period nes Standard

From Tuesday after Labor Day through May 31<sup>st</sup> – minors: Can not work before 7:00 a.m. and not after 7:00 p.m. From June 1<sup>st</sup> through Labor Day – minors: Can not work before 7:00 a.m. and not after 9:00 p.m.

phibited Occupation Occupations which threaten health and well-being include, but not limited to:

Baking	Communications	Construction
Cooking	Coolers	Cutters
Demolition	Freezers	Fryers
Grills	Hoisting devices	Ladders
Loading	Machinery	Manufacturing
Mining	Motor vehicles	Mowers
Power-Driven	Processing	Public messenger
Public Utilities	Repair	Slicers
Storage	Transportation	Unloading
Warehouse	Weed eaters	Work rooms
	Youth peddling	

For information on hazardous occupations for 16 and 17 year olds, contact the United States Department of Labor at 1-866-487-9243

> **Oklahoma Department of Labo** 1-888-269-5353 www.labor.ok.gov

# DISCRIMINATION

### **OKLAHOMA LAW PROHIBITS**

### DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY, AGE, SEX OR GENETIC INFORMATION<sup>1</sup>

If you are an employee, or an applicant for employment, and feel that because of race, color, religion, national origin, disability, age, sex or genetic information you have been discriminated against with respect to

Qualifications, hire, discharge, recall, layoff, promotion, transfer, compensation, conditions, terms, privileges or responsibilities of employment, or sexual harassment, and wish to file or discuss the filing of a complaint contact:

> Office of the Oklahoma Attorney General **Office of Civil Rights Enforcement** 313 N.E. 21st Street Oklahoma City, Oklahoma 73105 Oklahoma City Office: (405) 521-3921 Tulsa Office: (918) 581-2342 Website: www.oag.ok.gov Email: ocre.complaints@oag.ok.gov



# **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 workrelated 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.

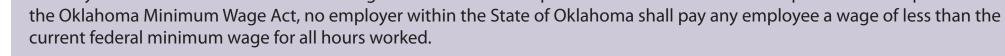
## **Employers must:**

- 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 OSHAsupported consultation programs in every state.

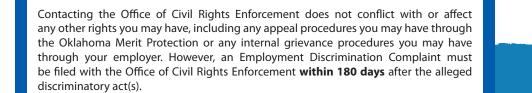


shall be no defense to such action. WHAT IS THE CRIMINAL **PENALTY FOR VIOLATIONS?** 

or agent of any corporation, who pays or agrees to pay to any employee less than the rate of compensation required by this act, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.



### 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 · Telephone 405-521-6100 · Toll-free 1-888-269-5353 · Fax 405-521-6018 · www.ok.gov/odol



<sup>1</sup> Title 25, Oklahoma Statutes, Section 1302



