

FED EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

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

OVERTIME PAY

At least 1 1/2 times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural employment.

TIP CREDIT

Employers who "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employees 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 employer'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 MOTHS

The FLSA requires employers to provide a break time for a nursing mother who is subject to the FLSA overtime requirements in order to allow her 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. Employees are also required to provide a break, other than a bathroom, that is shielded from view and 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 repeated violation of the minimum wage or overtime provisions of the law. Civil money penalties may also be assessed for violations of the FLSA child labor provisions. Heightened civil money penalties may be assessed for each 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 laws 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 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 provisions issued by the Department of Labor.

FED EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Act also permits polygraph testing, subject to restrictions, of certain employees of private employers who reasonably suspect an employee of a serious incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to detector tests.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or 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 or on behalf of a government contractor to certain private individuals in national security-related activities.

ENFORCEMENT

The Act permits polygraph a kind of detector test to be administered on the private sector, subject to restrictions, to certain prospective employees of security or law enforcement agencies or departments of pharmaceutical manufacturers, distributors and dispensers.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYERS AND JOB APPLICANTS CAN READILY SEE IT.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WHD** WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

FED EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child (placement of a child for adoption or foster care);
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employer'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 leave or work one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employers may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employer's substitute workers 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, especially any practice made unlawful by 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.

Equal Employment Opportunity is THE LAW

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

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits 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 accommodations 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.

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, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects 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 accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans, and other protected veterans.

Programs or Activities Receiving 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 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.

EEOC 9102 and DFEPC 81-08 Versions Usable With T1109 Supplement
EEOC 910-1

WV Minimum Wage Requirements

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex
Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890
labor.wv.gov
Fax: (304)558-3797

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

WV Workforce West Virginia Notice To Employees - Unemployment Benefits

TOTAL UNEMPLOYMENT

You are eligible for unemployment benefits during any week which you are totally separated from your employment, performing no services for which wages are earned or other remuneration were paid to you.

You must file your initial claim for total unemployment in person. Since a claim for unemployment compensation is effective the Sunday of the week in which it is filed, you should file your claim immediately after you are separated from your employment. You will be instructed on filing your continued claim. Your options for filing continued claims will include telephone or web filing.

PARTIAL UNEMPLOYMENT

You would be considered partially unemployed if you have been working full-time, but due to business being slow, a breakdown of equipment, or similar reasons, your employer has reduced your hours during the week. You may be eligible for partial unemployment benefits during this week if you earned less than your weekly unemployment benefit amount plus \$50. Under these conditions, your employer should issue a Loss Earnings Report to you. You must complete the claim papers from the Loss Earnings Report and file with the local unemployment office as directed on the form.

ELIGIBILITY REQUIREMENTS

To be eligible for unemployment benefits you must have earned \$2000 gross wages in covered employment during the more calendar quarters of your regular base period (first four of the last five completed calendar quarters) or alternative base period (the last four quarters immediately preceding the first day of the individual's benefit year).

ELIGIBILITY REQUIREMENTS - OTHER

- You are unemployed, you shall be eligible to receive benefits only if:
 - You have made a claim for benefits at a local unemployment office.
 - You have registered for work with the Job Service Office and continue to report as directed.
 - You are able to work and available for full-time work for which you are fitted by prior training or experience.
 - You are doing what a reasonable prudent person in your situation would do to find work.
 - You have filed for and received a waiting period of one week during your benefit year.
 - You have earned gross wages of less than your weekly benefit amount plus \$50 during the week for which you claim benefits.
 - You regularly on a new claim when you had a previous benefit year (must have earned eight times your old weekly benefit amount in covered employment after the beginning of your previous claim).
 - You must participate in job-training and reemployment services when selected.

DISQUALIFICATIONS

You may be disqualified from voluntarily without good cause involving fault of the part of your employer.

- If you were discharged for misconduct.
- If you fail without good cause to apply for available suitable work, to accept suitable work when offered, or to return to your customary self-employment without direction to do so.
- If you are unemployed due to a labor dispute.
- For the week for which you receive wages in lieu of office or workers' compensation for temporary total disability.
- For the week for which you receive unemployment compensation under the laws of another State or the United States.

Unemployment Compensation Benefit Table

Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate
1	\$2,000.00 - 2,499.99	29.00	424.00
2	2,500.00 - 2,999.99	30.00	435.00
3	3,000.00 - 3,499.99	31.00	446.00
4	3,500.00 - 3,999.99	32.00	457.00
5	4,000.00 - 4,499.99	33.00	468.00
6	4,500.00 - 4,999.99	34.00	479.00
7	5,000.00 - 5,499.99	35.00	490.00
8	5,500.00 - 5,999.99	36.00	501.00
9	6,000.00 - 6,499.99	37.00	512.00
10	6,500.00 - 6,999.99	38.00	523.00
11	7,000.00 - 7,499.99	39.00	534.00
12	7,500.00 - 7,999.99	40.00	545.00
13	8,000.00 - 8,499.99	41.00	556.00
14	8,500.00 - 8,999.99	42.00	567.00
15	9,000.00 - 9,499.99	43.00	578.00
16	9,500.00 - 9,999.99	44.00	589.00
17	10,000.00 - 10,499.99	45.00	600.00
18	10,500.00 - 10,999.99	46.00	611.00
19	11,000.00 - 11,499.99	47.00	622.00
20	11,500.00 - 11,999.99	48.00	633.00
21	12,000.00 - 12,499.99	49.00	644.00
22	12,500.00 - 12,999.99	50.00	655.00
23	13,000.00 - 13,499.99	51.00	666.00
24	13,500.00 - 13,999.99	52.00	677.00
25	14,000.00 - 14,499.99	53.00	688.00
26	14,500.00 - 14,999.99	54.00	699.00
27	15,000.00 - 15,499.99	55.00	710.00
28	15,500.00 - 15,999.99	56.00	721.00
29	16,000.00 - 16,499.99	57.00	732.00
30	16,500.00 - 16,999.99	58.00	743.00
31	17,000.00 - 17,499.99	59.00	754.00
32	17,500.00 - 17,999.99	60.00	765.00
33	18,000.00 - 18,499.99	61.00	776.00
34	18,500.00 - 18,999.99	62.00	787.00
35	19,000.00 - 19,499.99	63.00	798.00
36	19,500.00 - 19,999.99	64.00	809.00
37	20,000.00 - 20,499.99	65.00	820.00
38	20,500.00 - 20,999.99	66.00	831.00
39	21,000.00 - 21,499.99	67.00	842.00
40	21,500.00 - 21,999.99	68.00	853.00
41	22,000.00 - 22,499.99	69.00	864.00
42	22,500.00 - 22,999.99	70.00	875.00
43	23,000.00 - 23,499.99	71.00	886.00
44	23,500.00 - 23,999.99	72.00	897.00
45	24,000.00 - 24,499.99	73.00	908.00
46	24,500.00 - 24,999.99	74.00	919.00
47	25,000.00 - 25,499.99	75.00	930.00
48	25,500.00 - 25,999.99	76.00	941.00
49	26,000.00 - 26,499.99	77.00	952.00
50	26,500.00 - 26,999.99	78.00	963.00
51	27,000.00 - 27,499.99	79.00	974.00
52	27,500.00 - 27,999.99	80.00	985.00
53	28,000.00 - 28,499.99	81.00	996.00
54	28,500.00 - 28,999.99	82.00	1,007.00
55	29,000.00 - 29,499.99	83.00	1,018.00
56	29,500.00 - 29,999.99	84.00	1,029.00
57	30,000.00 - 30,499.99	85.00	1,040.00
58	30,500.00 - 30,999.99	86.00	1,051.00
59	31,000.00 - 31,499.99	87.00	1,062.00
60	31,500.00 - 31,999.99	88.00	1,073.00
61	32,000.00 - 32,499.99	89.00	1,084.00
62	32,500.00 - 32,999.99	90.00	1,095.00
63	33,000.00 - 33,499.99	91.00	1,106.00
64	33,500.00 - 33,999.99	92.00	1,117.00
65	34,000.00 - 34,499.99	93.00	1,128.00
66	34,500.00 - 34,999.99	94.00	1,139.00
67	35,000.00 - 35,499.99	95.00	1,150.00
68	35,500.00 - 35,999.99	96.00	1,161.00
69	36,000.00 - 36,499.99	97.00	1,172.00
70	36,500.00 - 36,999.99	98.00	1,183.00
71	37,000.00 - 37,499.99	99.00	1,194.00
72	37,500.00 - 37,999.99	100.00	1,205.00
73	38,000.00 - 38,499.99	101.00	1,216.00
74	38,500.00 - 38,999.99	102.00	1,227.00
75	39,000.00 - 39,499.99	103.00	1,238.00
76	39,500.00 - 39,999.99	104.00	1,249.00
77	40,000.00 - 40,499.99	105.00	1,260.00
78	40,500.00 - 40,999.99	106.00	1,271.00
79	41,000.00 - 41,499.99	107.00	1,282.00
80	41,500.00 - 41,999.99	108.00	1,293.00
81	42,000.00 - 42,499.99	109.00	1,304.00
82	42,500.00 - 42,999.99	110.00	1,315.00
83	43,000.00 - 43,499.99	111.00	1,326.00
84	43,500.00 - 43,999.99	112.00	1,337.00
85	44,000.00 - 44,499.99	113.00	1,348.00
86	44,500.00 - 44,999.99	114.00	1,359.00
87	45,000.00 - 45,499.99	115.00	1,370.00
88	45,500.00 - 45,999.99	116.00	1,381.00
89	46,000.00 - 46,499.99	117.00	1,392.00
90	46,500.00 - 46,999.99	118.00	1,403.00
91	47,000.00 - 47,499.99	119.00	1,414.00
92	47,500.00 - 47,999.99	120.00	1,425.00
93	48,000.00 - 48,499.99	121.00	1,436.00
94	48,500.00 - 48,999.99	122.00	1,447.00
95	49,000.00 - 49,499.99	123.00	1,458.00
96	49,500.00 - 49,999.99	124.00	1,469.00
97	50,000.00 - 50,499.99	125.00	1,480.00
98	50,500.00 - 50,999.99	126.00	1,491.00
99	51,000.00 - 51,499.99	127.00	1,502.00
100	51,500.00 - 51,999.99	128.00	1,513.00
101	52,000.00 - 52,499.99	129.00	1,524.00
102	52,500.00 - 52,999.99	130.00	1,535.00
103	53,000.00 - 53,499.99	131.00	1,546.00
104	53,500.00 - 53,999.99	132.00	1,557.00
105	54,000.00 - 54,499.99	133.00	1,568.00
106	54,500.00 - 54,999.99	134.00	1,579.00
107	55,000.00 - 55,499.99	135.00	1,590.00
108	55,500.00 - 55,999.99	136.00	1,601.00
109	56,000.00 - 56,499.99	137.00	1,612.00
110	56,500.00 - 56,999.99	138.00	1,623.00
111	57,000.00 - 57,499.99	139.00	1,634.00
112	57,500.00 - 57,999.99	140.00	1,645.00
113	58,000.00 - 58,499.99	141.00	1,656.00
114	58,500.00 - 58,999.99	142.00	1,667.00
115	59,000.00 - 59,499.99	143.00	1,678.00
116	59,500.00 - 59,999.99	144.00	1,689.00
117	60,000.00 - 60,499.99	145.00	1,700.00
118	60,500.00 - 60,999.99	146.00	1,711.00
119	61,000.00 - 61,499.99	147.00	1,722.00
120	61,500.00 - 61,999.99	148.00	1,733.00
121	62,000.00 - 62,499.99	149.00	1,744.00
122	62,500.00 - 62,999.99	150.00	1,755.00
123	63,000.00 - 63,499.99	151.00	1,766.00
124	63,500.00 - 63,999.99	152.00	1,777.00
125	64,000.00 - 64,499.99	153.00	1,788.00
126	64,500.00 - 64,999.99	154.00	1,799.00
127	65,000.00 - 65,499.99	155.00	1,810.00
128	65,500.00 - 65,999.99	156.00	1,821.00
129	66,000.00 - 66,499.99	157.00	1,832.00
130	66,500.00 - 66,999.99	158.00	1,843.00
131	67,000.00 - 67,499.99	159.00	1,854.00
132	67,500.00 - 67,999.99	160.00	1,865.00
133	68,000.00 - 68,499.99	161.00	1,876.00
134	68,500.00 - 68,999.99	162.00	1,887.00
135	69,000.00 - 69,499.99	163.00	1,898.00
136	69,500.00 - 69,999.99	164.00	1,909.00
137	70,000.00 - 70,499.99	165.00	1,920.00
138	70,500.00 - 70,999.99</		