

FED

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR
BEGINNING JULY 24, 2009

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

OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

No employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, 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 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 MOTHERS


FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time the 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.

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UNITED STATES OF AMERICA

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UNITED STATES DEPARTMENT OF LABOR

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Minor Labor Law Pledge

Title 23, Chapter 3 of Revised Statutes of 1950 as Amended

No minor under the age of 18 years shall be employed until the employer has procured and is on file an employment certificate for such minor issued by the city or parish superintendent of schools.

No minor under the age of 14 years may be employed, permitted, or suffered to work except as provided in RS.52.351.

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions, if no more than:

- 3 hours on a school day or 18 hours in a school week;
- 8 hours on a non-school day or 40 hours in a non-school week;

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

No minor under the age of 18 years may be employed, permitted, or suffered to work for any five hour period between one interval of at least thirty minutes within such period for meals. Such interval shall not be included as part of the working hours of the day.

There are time standards for minors 16 and 17 years of age regarding the numbers of hours worked per day or per week, however, minors shall receive an eight hour rest break at the end of each work day, before the commencement of the next day of work.

For purposes of the following items, a day during which injury to his person will that be designated as such by the local school superintendent for the school district in which the minor resides.

- No minor 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m., prior to the last day of school in which the minor is a participant.
- No minor 17 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m., prior to the last day of school in which the minor is a participant.
- No minor under 16 years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m., except from June 1 through Labor Day, at which time the permissible hours are extended to 9:00 p.m.
- No minor under the age of 16 years shall be employed, permitted, or suffered to work more than three hours each day in any day when school is in session, nor more than eighteen hours in any work week when school is in session.

Prohibited Employment. Minors (except those indentured as apprentices in accordance with Chapter 4 of Revised Statutes, Title 23) shall not be employed, permitted, or suffered to work in the following occupations:


- In mining, dressing, or wiping machinery or shafting, or in applying belts to pulleys;
- In or about any mine or quarry;
- In or about places where stone cutting or polishing is done;
- In or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of the same;
- In or about any steel manufacturing plants, or in reduction works, smelters, foundries, forging shops, hot rolling mills, or in any other place in which the heat treatment of metals is done;
- In the operation of machinery used in the cold rolling of heavy metals, or in the operation of power driven machinery for punching, shearing, stamping, bending, or planing metals;
- In or about sawmills or coopersage stock mills;

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Genetic Discrimination

Genetics in the Workplace

The law prohibits genetic discrimination and limits genetic testing in the workplace.

Definitions

The terms are used to establish specific discrimination and privacy protections. They are as follows:

- "Genetic monitoring" is the periodic examination of employees to evaluate changes to their genetic material that may have developed in the course of employment due to exposure to toxic substances in the workplace.
- "Genetic services" are defined as the health services provided to obtain, assess, or interpret genetic information for diagnosis or therapeutic purposes, or for genetic education or counseling.
- "Genetic test" means the analysis of human DNA, chromosomes, and those proteins and metabolites used to detect heritable or some somatic disease-related proteins or karyotypes for clinical purposes. It must be generally accepted in the scientific and medical communities to qualify under this definition.
- "Protected genetic information" is information about the genetic test of an individual or that of an individual's family members, or the occurrence of a disease, or medical condition or disorder in family members of the individual.

Nondiscrimination


Louisiana law also provides that an employer, labor organization or employment agency shall not discriminate on the basis of protected genetic information, and

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Sickle Cell Trait Discrimination

Prohibition of sickle cell trait discrimination; exceptions

A. It is unlawful for an employer to engage in any of the following practices:

- fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has sickle cell trait.
- limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because such individual has sickle cell trait.
- Reduce the wage rate of any employee in order to comply with the provisions herein.

B. It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because such individual has sickle cell trait, or to classify or refer for employment any individual on the basis that such individual has sickle cell trait.

C. It is unlawful for a labor organization to engage in any of the following practices:

- Exclude or expel from its membership, or otherwise discriminate against, any individual because of sickle cell trait.
- Limit, segregate, or classify its membership, or to classify or fail to refer or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, solely because such individual has sickle cell trait.
- Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein.
- It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against

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Pregnancy Rights of Employees

Non-Discrimination

Louisiana employees who employ more than twenty-five employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year are prohibited from discriminating against an applicant for employment or an employee with medical needs causing limitations arising from pregnancy, childbirth, and related medical conditions.

Reasonable Accommodations

Louisiana employees have a general duty to reasonably accommodate an employee's physical limitations caused by her pregnancy, unless the employer can demonstrate the accommodation would pose an undue hardship on the operation of its business. "Reasonable accommodations" may include but is not limited to:


- Making existing facilities readily accessible and usable by an applicant or employee with covered limitations;
- Providing a private place, other than a bathroom stall, for the purpose of expressing breast milk;
- Modifying food or drink policy;
- Providing seating or allowing the employee to sit more frequently if the job requires the employee to stand for long periods of time;
- Assistance with manual labor and limits on lifting;
- Temporarily transferring the employee to less strenuous or hazardous vacant position, if required;
- Providing job restructuring or light duty, if available;

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Timely Payment of Wages

Your employer has a duty to inform you at the time of your hire what your wage rate will be, how often you will be paid and how you will be paid, and of any subsequent changes thereto.

If your employer should, for reasons within his control, fail to pay you according to that agreement, you must first lodge a complaint with the Louisiana Workforce Commission.


If no action is taken to resolve your complaint, you may report the violation to the Louisiana Workforce Commission.

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In the national guard, reserves, or on active duty?

You have certain protected employment and employment rights, freedom from discrimination rights, and civil relief rights. Under state and federal law, if you feel that you have been discriminated against and denied rights on account of your service in the uniformed services, contact the Employer Support of the Guard and Reserve Committee at 1-800-334-4206, or log on to www.ESGR.org, or e-mail questions to questions@ESGR.com.

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YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

If you have the right to be reemployed by your civilian job. If you leave that job to perform service in the uniformed service or:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or other than those honorable conditions.

If you are eligible to be reemployed, you will 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;
- are obligated to serve in the uniformed service;
- have applied for membership in the uniformed service; or
- then an employer may not deny you:

- initial employment;
- promotion or
- benefit of employment;


because of this status.

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Independent Contractor or Employee?

ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND SUBCONTRACTORS:

The law says that you are an employee unless:

- You are free from direction and control in performing your job; AND
- You perform work that is not part of the usual work done by the business that you work OR is not performed on the business's premises; AND
- You are customarily engaged in an independently established trade, occupation, profession or business.

If you cannot consider to be an independent contractor unless all three of these facts apply to your work.

IT IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES AS INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.

Employer Rights:

If you are an employer, you are entitled to:

- Unemployment benefits, if unemployed through no fault of your own, able to work, and meet other eligibility requirements;
- Worker's Compensation benefits for on-the-job injuries;

It is a violation of this law for employers to retaliate against anyone who asserts their rights under the law. Retaliation subjects an employer to civil penalties, a lawsuit or both. If you have questions about whether you are an employee or independent contractor, you may want to file a complaint, call the

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Earned Income Credit EIC 2022

Notice to Employees of Federal Earned Income Tax Credit (EIC)

If you make \$53,000 or less, your employer should notify you at the time of hiring of the potential availability of Earned Income Tax Credits. Earned Income Tax Credits are reductions in federal income tax liability for which you may be eligible if you meet certain criteria. Additional information and forms for these programs can be obtained from your employer or the Internal Revenue Service.

* Earned Income and adjusted gross income (AGI) must each be less than:

- \$37,000 (\$39,187 married filing jointly) with three or more qualifying children
- \$49,399 (\$55,229 married filing jointly) with two qualifying children
- \$43,492 (\$49,622 married filing jointly) with one qualifying child
- \$16,400 (\$22,616 married filing jointly) with no qualifying children

You may claim the Earned Income Credit on Form 1040 and add Schedule EIC. If you have children.

If you need more information regarding the EITC or to check on updates, you should contact the IRS at 1-800-829-1040 or visit the IRS Website at www.irs.gov.

Additional EITC resources are also available at the IRS EITC Home page: <http://www.irs.gov/credits-exceptions/individuals/earned-income-tax-credit-eitc>.

For more information on the law, visit www.laworks.net or call 1-800-229-1040.


Every employer that keeps employment records or about the premises wherein any worker is employed, a printed copy or abstract of those labor laws which the Executive Director may designate, in a form to be furnished by the Executive Director.

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Unemployment Insurance

Notice to Workers

Your employer is subject to the Louisiana Employment Security Law and is required to post this notice in a conspicuous place. Your employer has contributed to the Louisiana Trust Fund from which benefits are paid. No amount of contributions to the Trust Fund is deductible from your earnings.

Total Unemployment

You may be eligible to receive unemployment insurance benefits provided:

- You are unemployed;
- You have registered for work;
- You are able to work, available for work, and actively conducting a search for work;
- You have been paid wages by employers subject to the Louisiana Employment Security Law during your base period in an amount sufficient to qualify you under the law.

Disqualification

You may be disqualified from drawing benefits on your claim if:

- You have left work voluntarily without good cause attributable to a substantial change made by the employer;
- You have been discharged for misconduct connected with your work;
- You fail without good cause to (a) apply for available suitable work, (b) accept suitable work without undue effort, or (c) return to your customary self-employment when directed;
- You have been discharged for the use of illegal drugs.

You may also be disqualified:


- For any week with respect to which the Administrator finds that your unemployment is due to a labor strike which is active progress at the factory, establishment or other premises at which you are or were last employed, and in which you are participating, or in which you are interested;
- For any week with respect to which or a part of which you have received or are seeking unemployment benefits under an unemployment insurance law of another state or the United States.

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Workers' Compensation

Reporting Injury

You should report your employer any occupational disease or personal injury that is work-related, even if you do not think it is minor.

Occupational Disease or Death

In case of an occupational disease, all claims are barred unless the employee files a claim with his/her employer within one year of the date that:

- the disease manifests itself;
- the employee is disabled as a result of the disease;
- the employee knows or has reasonable grounds to believe that the disease is occupationally related.

In case of death arising from an occupational disease, all claims are barred unless the dependent(s) file a claim with the deceased employee's employer within one year of:

- the date of death;
- the date the claimant has reasonable grounds to believe that the death resulted from occupational disease.

Filing Notice

In case of injury or death caused by a work-related accident, an injured employee or person claiming to be entitled to compensation either a claimant or a representative of the employee claiming to be entitled to compensation, must give notice to the employer within 30 days of the injury. If notice is not given within 30 days, the benefits will be made under the act or death. In addition, any fraudulent action by the employee, or any other person for the purpose of obtaining or deferring any benefits or payment of workers' compensation shall subject such person to criminal as well as civil liabilities.

The above mentioned notice should be filed with the employer at the address shown.


A notice so given shall not be held invalid because of any inaccuracy in stating the time, place, nature or cause of injury, or otherwise, unless it is shown that the employee was in fact misled to the detriment thereof. Failure to give notice may not harm the employee if the employer knew of the accident or if the employer was not prejudiced by the delay or failure to give notice.

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Out-of-State Motor Vehicles

Duties of employees and employers

A. Any person who is a resident of a state which requires registration of the motor vehicle or motor vehicles of a person who is employed in that state within thirty days of such employment, and who is employed in and maintains a residence in Louisiana and who operates one or more vehicles on the public streets and roads in Louisiana shall apply for a certificate of registration for each of those vehicles within thirty days of the date on which the person was employed in Louisiana.

B. If an employer in this state shall employ a person employed by that employer of the requirement of Subsection A of this Section. The notice shall be by direct communication of the act to the employee and by posting notice in a prominent location at the place of employment.

C. The provisions of this Section shall not be applicable to members actively serving in the armed forces of the United States.

Acts 1993, No. 765, §1.


This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 47:501.1.

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Age Discrimination

The prohibitions herein listed shall be limited to individuals who are at least forty years of age.

A. It is unlawful for an employer to engage in any of the following practices:

- fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, or his terms, conditions, or privileges of employment because of the individual's age;
- limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee because of the individual's age;
- Reduce the wage rate of any employee in order to comply with the requirements herein.

B. It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the individual's age, or to classify or refer for employment any individual on the basis of the individual's age.

C. It is unlawful for a labor organization to engage in any of the following practices:

- Exclude or expel from its membership, or otherwise to discriminate against any individual because of his age;
- Limit, segregate, or classify its membership, or to classify or fail to refer or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of the individual's age;
- Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein.


D. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member or applicant for membership because of the individual's age, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation pursuant to the laws herein provisions.

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- Cause or attempt to cause an employer to discriminate against an individual in violation of the provisions herein.


D. It is unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member or applicant for membership because of the individual's age, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation pursuant to the laws herein provisions.

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EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

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

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (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 employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employer must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:


- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;" and

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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, protects applicants and employees from discrimination 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.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from

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EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH TEST PROTECTION ACT

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 any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct 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 to have test results disclosed to unauthorized persons.

ENFORCEMENT


The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employers or job applicants may also bring their own court actions.

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ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employers or job applicants may also bring their own court actions.

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA

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