

# TEXAS



## 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 1.5 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. Youths 14 and 15 may work in non-farm, non-mining, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

#### TIPI GREEN

The tip credit for "tipped" employees who meet certain conditions may claim a partial wage credit based on tips received by their employer. Employers must pay the minimum wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If the employer fails to pay the minimum wage, the employer must make up the difference.

#### ADDITIONAL INFORMATION

Certain occupations and establishments are exempt from overtime pay, and/or overtime pay provisions. Certain narrow exceptions also apply to the working hours of certain youths.

Special provisions apply to workers in American Samoa, the Commonwealth of Northern Mariana Islands, and the Virgin Islands of the United States.

Some states provide greater employee protection; employers must comply with both.

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the law. If an employer classifies workers as independent contractors, then workers are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors.

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.

## EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

#### PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employees or job applicants to take a lie detector test, and from discharging, discriminating, or discriminating against an employee or prospective employee for refusing to take or for exercising other rights under the Act.

#### EXEMPTIONS

Federal and state governments are not affected by the Act. The Act does not apply to tests given by the Federal Government to certain private individuals engaged in certain security activities.

Employers are prohibited from requiring or requesting a lie detector test to be administered in the private sector, subject to restrictions, to certain prospective employees of service firms that manufacture, sell, and/or market, and/or pharmaceutically manufacture, distribute, or dispense.

The Act also permits polygraph tests to be conducted, of certain prospective or private firms who are responsible for employment in a workplace incident (theft, embezzlement, etc.) that resulted in the loss of certain assets.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that prohibit employers from using lie detector tests.

If you believe you have been discriminated against at work or in applying for a job, the EEOC may be able to help.

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