

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 employer must not at least 15 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 restrictions. Different rules apply in agricultural employment.

TIP CREDIT
Employers may deduct employees' most certain conditions may claim a partial wage credit based on tips received by their employees. Employees must be tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against minimum wage obligations. If an employer's tips combined with the employee's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK
The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from public observation and where the employee can express breast milk. The place must be used by the employee to express breast milk.

EMPLOYMENT
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. Employees may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor 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 FLSA, or 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.
- 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 employees incorrectly classified 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 below the minimum wage under special certificates issued by the Department of Labor.



Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?
The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child
- Your serious medical or physical health condition that makes you unable to work
- To care for your spouse, child or parent with a serious medical or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of a spouse, child or parent who is a military servicemember.

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

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #280M for more information.

FMLA leave is paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the FMLA leave for which you need FMLA leave.

Am I eligible to take FMLA leave?
You are an eligible employee if all of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Active flight crew employees have different "hours of service" requirements.

You work for a covered employer if one of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state, or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

What does my employer need to do?
If you are eligible for FMLA leave, your employer must:

- Allow you to take job-protected time off work for a medical diagnosis or reason.
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible under FMLA for the leave you request. If your employer determines that you are eligible, your employer must notify you in writing:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?
Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.

How do I request FMLA leave?
Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying absence. The FMLA does not affect any federal or state law prohibiting discrimination or segregating any employee on race or collective bargaining agreement that provides greater family or medical leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.



All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related 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.



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 employee or job applicant to take a lie detector test, and from discriminating, 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 REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/agencies/whd - REV 02/22

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and supervisors with the temporary employees.
- Job applicants
- Union members and applicants for membership in a union

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Types of Employment Discrimination are Illegal?
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer testing for or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Recreational use for a drug, reasonably opening discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation and

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:

- Hiring, firing, or layoff
- Harassment (including unwelcome verbal or physical conduct)
- Leave or overtime
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability, pregnancy, childbirth, or related medical condition, or a sincerely held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation or pregnancy accommodation)

What can You Do if You Believe Discrimination has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC at any of the following ways:

Submit an inquiry through the EEOC's public portal: eocportal.eeoc.gov

Call 1-800-486-4000 (toll free) 1-800-486-4000 (TDD) 1-800-242-5122 (ASL, video phone)

E-mail an EEOC field office information at www.eeoc.gov/eeofac

Visit info.eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS
The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the federal government. If you are applying for a job with, or are an employee of, a company with a federal contract or subcontract, you are protected under federal law from discrimination on the basis of:

- Race, color, religion, sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 12846, as amended, prohibits employment discrimination by federal contractors 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.

Asking About, Disclosing, or Discussing Pay
Executive Order 12846, as amended, protects applicants and employees of federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

Disability
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 by federal contractors. Disability discrimination includes not making reasonable accommodation for 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 all levels of employment, including the executive level.

Protected Veteran Status
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212, prohibits employment discrimination by federal contractors on the basis of 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.

Retaliation
Discrimination prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs U.S. Department of Labor 100 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-367-4251 (toll free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may be contacted by submitting a question online to OFCCP's Help Desk at <https://ofccportal.dol.gov/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and an OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>

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, providers of federal financial assistance, employment discrimination cases 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 which receive 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 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.

(Revised 6/27/2023)



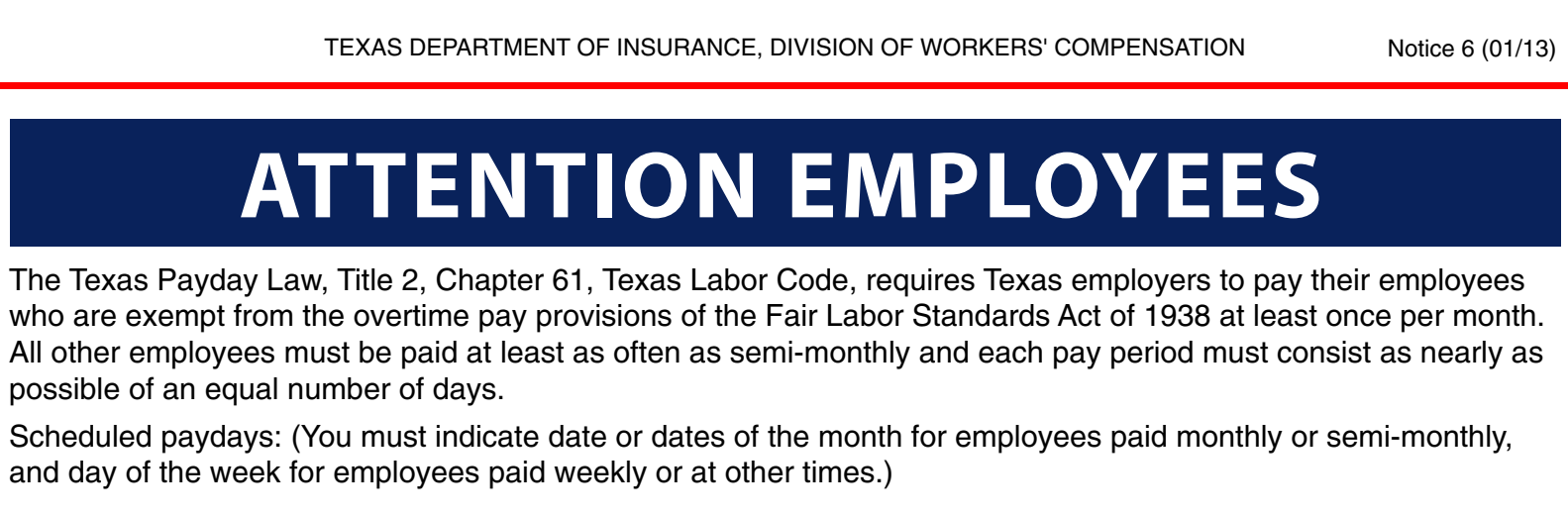
NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer] _____ has workers' compensation insurance coverage from [name of commercial insurance company] _____ in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy] _____. Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _____.

An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.



The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY	SEMI-MONTHLY	WEEKLY	OTHER
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For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWC office. TWC offices are located in major cities throughout the state.

TEXAS WORKFORCE COMMISSION
Wage and Hour Department
101 East 15th Street, Room 514
Austin, Texas 78778-0001
800-832-9243
TDD 800-735-2989 (Hearing Impaired)

TO EMPLOYERS:
The law requires that this notice or its equivalent be posted in conspicuous places at your business.

(0823)

NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the **Office of Injured Employee Counsel (OIEC)**. OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: **1-866-393-6432**.

More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

What Is An Ombudsman? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation.

Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

Figure 28 TAC §276.5(p) - September 2022

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
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

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

If 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;

then an employer may not deny you:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION
If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service, you have 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 exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- 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 <https://www.dol.gov/agencies/vets/programs/userra>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/eaws/vets/userra>
- 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 applicable, for representation.
- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may not be absent due to military service or, in some cases, a comparable job.

U.S. Department of Labor 1-866-487-2365 U.S. Department of Justice U.S. Department of Justice Office of Special Counsel 1-800-328-4300 Publication Date—May 2022

Texas Minimum Wage Law

This page gives information about employer and employee rights, duties, and remedies under the Texas Minimum Wage Act.

The Texas Minimum Wage Act:

- Sets a minimum wage for non-exempt employees.
- Requires certain employers give their employees a written earnings statement that has certain information about their pay.
- Indicates Texas Workforce Commission (TWC) is the agency which provides information about state minimum wage requirements.
- Contains provisions concerning agricultural piece rate workers.
- Exempts a variety of employers from its coverage.
- Provides civil remedies for its violation.

Current Minimum Wage
Texas adopts the federal minimum wage rate. The federal minimum wage is \$7.25 per hour. (Effective July 24, 2009)

The Texas Minimum Wage Act does not prohibit employers from collective bargaining with their employers for a higher wage.

With specified restrictions, employers may count tips and the value of meals and lodging toward minimum wage.

An employer does not need to pay an employee who lives on the business premises for in-call time in addition to assigned working hours.

Under specific conditions, an employer may pay a wage that is below the minimum. This applies to an employee who is a patient or client of the Texas Department of State Health Services (DHS), or to other individuals due to age, or to productivity impairments. See Chapter 62, Texas Labor Code for details.

Wage Rate Complaints and Deadline
If you think you've been paid at a rate lower than the law requires you may choose to take legal action. You can file a wage claim with TWC, or you can file a lawsuit in civil court.

If you file a wage claim with TWC, it must be filed no later than 180 days after the wages were due. Get more information about How to File a Wage Claim.

You have two years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as liquidated damages. The employer can be assessed reasonable attorney's fees and court costs.

Earnings Statement
Employers must give employees a written earnings statement. The statement must have enough details for an employee to determine whether they were paid correctly during the pay period.

Exemptions
The primary exemption from the Texas Minimum Wage Act is for any person covered by the federal Fair Labor Standards Act (FLSA). Other specific exemptions include:

- Employment in, or of by religious, educational, charitable, or nonprofit organizations
- Professionals, salespersons, or public officials
- Domestic
- Certain youths and students
- Inmates
- Family members
- Amusement and recreational establishments
- Non-agricultural employers not liable for state unemployment contributions
- Dairying and production of livestock
- Sheltered workshops

Agricultural Piece Rates
The Commissioner of Agriculture decides how much agricultural workers are paid for picking or harvesting plants and crops. The "piece rates" are based on how much an average worker can do in a certain amount of time. The goal is to make sure at least minimum wage for average workers while allowing workers who harvest more to earn more.

Law

- Texas Minimum Wage Act, Chapter 62 of the Texas Labor Code

Contact Us
TWC's Wage and Hour Dept
800-832-9243
512-475-2670

Notice to Employers / Employees

Your state has its own minimum wage law which requires posting a notice regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor Fair Labor Standards Act in addition to this state posting. According to the Dept. of Labor, where Federal and state law have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

UNEEMPLOYMENT INSURANCE Notice to Employers/Employees

Employers: You must be a registered employer in this state in order to receive the official Unemployment Insurance posting. If you have any questions concerning this mandatory posting, please contact your local unemployment office.

Employees: Contact your local unemployment office for your rights concerning unemployment benefits as an employee.

This Posting is for Informational Purposes Only

Reporting Workplace Violence Reportando La Violencia en el Trabajo

Employees can report instances of workplace violence or suspicious activity by contacting the Department of Public Safety (DPS) through the Watch-Texas Community Reporting System at www.watchtx.org, or by calling 844-643-2251. Employees have the right to make a report to DPS anonymously.

Los empleados pueden denunciar casos de violencia en el trabajo o actividades sospechosas comunicándose con el Departamento de Seguridad Pública (DPS) a través del Sistema de Informes Comunitarios Watch-Texas en www.watchtx.org o llamando al 844-643-2251. Los empleados tienen derecho a presentarle una queja al DPS de forma anónima.

EQUAL EMPLOYMENT OPPORTUNITY IS... The Law in Texas
The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in:

- hiring
- promotion
- discharge
- pay
- fringe benefits
- membership
- training
- other aspects of employment
- pago
- beneficios
- membresía
- entrenamiento
- otros aspectos del empleo

because of race, color, national origin, religion, sex, age, or disability. The Sex Protected Class includes Sexual Harassment, Gender Stereotyping, Pregnancy Discrimination, Gender Identity, and Sexual Orientation.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division. Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles.

Website: www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-complaint
Email: EOintake@twc.texas.gov
101 East 15th Street, Room 144-T, Austin, TX 78778
(512) 463-2642 • Toll Free (within Texas) • 1-888-452-4778 • TTY (512) 371-7473

Equal Opportunity Employer / Program • Igualdad de Oportunidad de Empleo / Programa

CHILD LABOR LAWS

Texas Workforce Commission Wage and Hour Department, Child Labor Enforcement U.S. Department of Labor Wage and Hour Division

For further information about Texas' child labor laws, call: **800-832-9243 (TDD 800-735-2989)**

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Wage and Hour Department concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local office of the U.S. Department of Labor, Wage and Hour Division or call 866-487-9243.

Additional prohibited occupations that apply only to 14- and 15-year-old children:
Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed;
- (2) operating or assisting in operating power-driven machinery or hoisting apparatus other than typical office machines;
- (3) work as a ride attendant or ride operator at an amusement park or a "dispatcher" at the top of elevated water slides;
- (4) driving a motor vehicle or helping a driver;
- (5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means;
- (6) youth peddling, signing, or door-to-door sales;
- (7) poultry catching or cooping;
- (8) firefighting at a natural environment such as a lake, river, ocean beach, quarry, pond (youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional swimming pool or water amusement park);
- (9) public messenger jobs;
- (10) communications and public utilities jobs;
- (11) construction including demolition and repair, work performed in or about boiler or engine rooms or in connection with the maintenance or repair of the establishment, machines, or equipment;
- (12) outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes;
- (13) cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that utilize devices that automatically lower and raise the baskets from the hot grease or oil;
- (14) baking and all activities involved in baking;
- (15) occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers;
- (16) freezers or meat coolers work, except minors may occasionally enter a freezer for a short period of time to retrieve items;
- (17) meat processing and work in areas where meat is processed;
- (18) loading and unloading goods to and from trucks, railroad cars or conveyors, and
- (19) all occupations in warehouses and storage except office and clerical work.

Work times for 14- and 15-year-old children:
State Law — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 48 hours in one week;
- (2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school;
- (3) between the hours of midnight and 5 a.m. on any day that the time school is recessed for the summer if the child is not enrolled in summer school.

Federal Law — The FLSA further regulates hours of employment. 14 and 15 year old children may not work:

- (1) during school hours;
- (2) more than eight hours on a non-school day or 40 hours during a non-school week;
- (3) more than three hours on a school day or 18 hours during a school week, and
- (4) between 7 p.m. and 7 a.m. during the school year, or between 9 p.m. and 7 a.m. from June 1 and Labor Day.

Child Actors - state law
Child actor definition - a child under the age of 14 who is to be employed as an actor or other performer

Child actor extra definition - a child under the age of 14 who is employed as an extra without any speaking, singing, or dancing roles, usually in the background of the performance

Every person applying for child actor authorization must submit an application for authorization on a form provided by the Texas Workforce Commission.

Special authorization for child actors to be employed as extras is granted without the need for filing an application if the employer makes the Texas Workforce Commission's requirements. Call 1-800-832-9243 for instructions.

Prohibited occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments,
- (2) involving the driving of motor vehicles and outside helpers
- (3) in any public road or highway,
- (4) in or about any place where logging or sawmill operations are in progress, or
- (5) in excavations.

(Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)

- (6) connected with coal mining,
- (7) in logging and sawmill occupations and occupations involving firefighting and timber tracts,
- (8) "in operating or assisting to operate power-driven woodworking machines,
- (9) involving exposure to radioactive substances and to ionizing radiations,
- (10) in operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks,
- (11) in operating or assisting to operate power-driven metal forming, punching, and shearing machines,
- (12) in connection with mining, other than coal,
- (13) "in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering,
- (14) in operating or assisting to operate power-driven bakery machines,
- (15) "involved in the operation of power-driven paper-products machines, balers and compactors,
- (16) in manufacturing brick, tile, and kindred products,
- (17) "in operating or assisting to operate power-driven circular saws, band saws and gullotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood-chippers,
- (18) in wrecking, demolition, and ship-breaking operations,
- (19) "in roofing operations and on or about a roof, and
- (20) "in connection with excavation operations.

Additional prohibited occupations that apply under state law:

- (1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult § 51.0145 Texas Labor Code for exceptions and requirements.
- (2) Occupations in sexually oriented businesses by a child under 21 years of age.

PENALTIES:
State of Texas — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or is ruled adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/or criminal prosecution and fines.

101 E. 15th Street • Austin, Texas 78778-0001 • (512) 463-2222 Relay Texas: 800-735-2989 (TDD) 800-735-2989 (voice) www.texasworkforce.org

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