EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

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

**BEGINNING JULY 24, 2009** 

At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

Different rules apply in agricultural employment.

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.

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

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.

tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their 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 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 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 minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not

Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WV

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION

1-866-487-9243 www.dol.gov/agencies/whd

LABOR

LAWS

**REV. 04/2023** 

**Minimum Wage Requirements WEST VIRGINIA DIVISION OF LABOR** 

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

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5C.

**Required Minimum Wage Rate** 

Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

**Required Minimum Training Wage Rate** 

An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training

wage of at least \$6.40 per hour for the first 90 days of employment.

Beginning with the 91st day of employment, an employer must pay the employee the required minimum wage

**Permissible Minimum Wage Credit for Tipped Employees** 

Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least

To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.

Rev. 01/2018

**VOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the mployee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

WV

**Wage Payment and Collection Act 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

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code §21-5-9.

§21-5 REQUIRES THE EMPLOYER TO:

Pay employee wages at least twice a month, with no more than 19 days between paydays.

Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with a bank convenient to the place of employment for employees to have immediate access to their wages.

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

On separation from employment, pay an employee the fringe benefits due and payable according to the time, terms, and conditions of an employer-employee agreement, whether verbal or written, if any.

Notify employees in writing at the time of hire, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding vacation, sick leave and other fringe benefits, if any.

Provide employees with at least 1 full pay period's written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for meeting payroll, or any other existing terms or conditions of

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay

§21-5 PREVENTS THE EMPLOYER FROM:

Selling goods or supplies to employees at prices higher than the current market value.

Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid for union or club dues, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical insurance).

Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted, and state that 75% of the employee's net wages are exempt from

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.

WV

**Notice** 

THE WEST VIRGINIA HUMAN RIGHTS ACT

**Prohibits Discrimination in Employment and Places of Public Accommodations Based On:** 

Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability

THE WEST VIRGINIA FAIR HOUSING ACT

**Prohibits Discrimination in Housing Based On:** 

Race, Religion, Color, National Origin, Ancestry, Sex, **Blindness, Disability, Familial Status** 

THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT

**Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions** 

For Further Information or to File a Complaint,

Visit, Call or Write to the WV Human Rights Commission at:

WV HUMAN RIGHTS COMMISSION

**ROOM 108 A** 1321 PLAZA EAST

**CHARLESTON, WV 25301-1400** 

PHONE: 304-558-2616 (TOLL FREE) 888-676-5546

Fax: 304-558-0085 WEBSITE: www.hrc.wv.gov

**VOTICE:** This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers hould contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers'Compensation posting or notice of compliance/

rrtificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or ne employer's insurance carrier for information about Workers' Compensation. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.

FED **EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT** 

using lie detector tests either for pre-employment screening or during the course

DEPARTMENT OF LABOR

WV

**TOTAL UNEMPLOYMENT** 

**PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights

The Employee Polygraph Protection Act prohibits most private employers from

**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 The Secretary of Labor may bring court actions to restrain violations and assess civil penalties The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, against violators. Employees or job applicants may also bring their own court actions subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

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

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

1-866-487-9243 www.dol.gov/agencies/whd

The Act also permits polygraph testing, subject to restrictions, of certain employees of

embezzlement, etc.) that resulted in economic loss to the employer

agreement which is more restrictive with respect to lie detector tests

not to have test results disclosed to unauthorized persons.

private firms who are reasonably suspected of involvement in a workplace incident (theft,

The law does not preempt any provision of any State or local law or any collective bargaining

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

REV. 02/2022

Workforce West Virginia **Notice To Employees – Unemployment Benefits** For any week you are training, participating, or preparing to participate in

sports or athletic events if there is reasonable assurance you will perform such You are considered totally unemployed during any week in which you are totally separated from your employment, performing no services for which wages or other services in the current or upcoming seasons. If you are an employee of an educational institution or educational service remuneration were paid to you. agency, for any week of unemployment which commences during: a paid You must file your initial claim for total unemployment in person. Since a claim for sabbatical leave: a holiday or vacation period between two academic years

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, you

employer has to reduce your hours during the week. You may be entitled to partial unemployment benefits during this week if you earned less than what your weekly unemployment benefit amount would be plus \$60. Under these conditions, your employer should issue a Low Earnings Report for the week, showing your gross wages. You must complete the claims portion of the Low Earnings Report and file it with the local unemployment office as directed on the form.

To be monetarily eligible to receive unemployment benefits you must have earned \$2200 gross wages in covered employment during two or 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 **ELIGIBILITY REQUIREMENTS - OTHER** 

If you are unemployed, you shall be eligible to receive benefits only if:

during the week for which you claim benefits.

You may be disqualified from drawing benefits:

\$2,200.00

2,350.00

2,650.00

2,800.00

2,950.00

3,250.00

3,400.00

3,550.00

3,850.00

4.000.00

4,150.00 4,300.00

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 have made a claim for benefits at a local unemployment office

You are doing what a reasonable prudent person in your situation would do to find work. ou have filed for and served a waiting period of one week during your benef You have earned gross wages of less than your weekly benefit amount plus \$60

You requalify 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 profiling and reemployment services when selected **DISQUALIFICATIONS** 

If you leave work voluntarily without good cause involving fault on the part of If you are 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 when directed to do so

LOGAN If you are unemployed due to a labor dispute. For the week for which you receive wages in lieu of notice or Workers' pensation for temporary total disability. For the week for which you receive unemployment compensation under the laws of another state or of the United States.

**Unemployment Compensation Benefit Rate Table** 

Base eriod	Benefit Rate	Benefit Rate	Wage Class	Base Period	Benefit Rate	Benefit Rate
0 - 2,349.99	24.00	624.00	194	31,150.00 - 31,299.99	330.00	8,580.00
) - 2,499.99	25.00	650.00	195	31,300.00 - 31,449.99	331.00	8,606.00
) - 2,649.99	27.00	702.00	196	31,450.00 - 31,599.99	333.00	8,658.00
) - 2,799.99	28.00	728.00	197	31,600.00 - 31,749.99	335.00	8,710.00
) - 2,949.99	30.00	780.00	198	31,750.00 - 31,899.99	336.00	8,736.00
) - 3,099.99	31.00	806.00	199	31,900.00 - 32,049.99	338.00	8,788.00
) - 3,249.99	33.00	858.00	200	32,050.00 - 32,199.99	339.00	8,814.00
) - 3,399.99	35.00	910.00	201	32,200.00 - 32,349.99	341.00	8,866.00
) - 3,549.99	36.00	936.00	202	32,350.00 - 32,499.99	342.00	8,892.00
) - 3,699.99	38.00	988.00	203	32,500.00 - 32,649.99	344.00	8,944.00
) - 3,849.99	39.00	1,014.00	204	32,650.00 - 32,799.99	346.00	8,996.00
) - 3,999.99	41.00	1,066.00	205	32,800.00 - 32,949.99	347.00	9,022.00
) - 4,149.99	43.00	1,118.00	206	32,950.00 - 33,099.99	349.00	9,074.00
) - 4,299.99	44.00	1,144.00	207	33,100.00 - 33,249.99	350.00	9,100.00
) - 4,449.99	46.00	1,196.00	208	33,250.00 - 33,399.99	352.00	9,152.00
) - 4,599.99	47.00	1,222.00	209	33,400.00 - 33,549.99	354.00	9,204.00
) - 4,749.99	49.00	1,274.00	210	33,550.00 - 33,699.99	355.00	9,230.00
) - 4,899.99	51.00	1,326.00	211	33,700.00 - 33,849.99	357.00	9,282.00
) - 5,049.99	52.00	1,352.00	212	33,850.00 - 33,999.99	358.00	9,308.00
) - 5,199.99	54.00	1,404.00	213	34,000.00 - 34,149.99	360.00	9,360.00
) - 5,349.99	55.00	1,430.00	214	34,150.00 - 34,299.99	361.00	9,386.00
) - 5,499.99	57.00	1,482.00	215	34,300.00 - 34,449.99	363.00	9,438.00
) - 5,649.99	58.00	1,508.00	216	34,450.00 - 34,599.99	365.00	9,490.00

34,600.00 - 34,749.99 9,516.00 1,612.00 34,750.00 - 34,899.99 9,568.00 1.638.00 34.900.00 - 35.049.99 9,594.00 1,690.00 35.050.00 - 35.199.99 371.00 9,646.00 1,716.00 373.00 9,698.00 35,200.00 - 35,349.99 1,768.00 35,350.00 - 35,499.99 9,724.00 1.820.00 9,776.00 35,500.00 - 35,649.99 1,846.00 35.650.00 - 35.799.99 377.00 9.802.00 1,898.00 379.00 35,800.00 - 35,949.99 9,854.00 35,950.00 - 36,099.99 9,906.00 1.976.00 36,100.00 - 36,249.99 9,932.00 2.028.00 36.250.00 - 36.399.99 384.00 9.984.00 2,054.00 385.00 36,400.00 - 36,549.99 10.010.00 10.062.00 36,550.00 - 36,699.99 2,132.00 36,700.00 - 36,849.99

4.750.00 4,900.00 5,200.00 5.350.00 5,500.00 -5,650.00 - 5,799.99 5,800.00 - 5,949.99 5.950.00 - 6.099.99 6,100.00 - 6,249.99 6,250.00 - 6,399.99 2.184.00 36.850.00 - 36.999.99 10.140.00 2,210.00 37.000.00 - 37.149.99 392.00 10.192.00 37,150.00 - 37,299.99 10,218.00 2,314.00 2.340.00 37,450.00 - 37,599.99 10,296.00 2,392.00 37.600.00 - 37.749.99 10.348.00 2,418.00 37,750.00 - 37,899.99 400.00 10,400.00 37,900.00 - 38,049.99 2.522.00 10,478.00 38,050.00 - 38,199.99 2.548.00 38.200.00 - 38.349.99 10.504.00 2,600.00 406.00 38,350.00 - 38,499.99 38,500.00 - 38,649.99

6,400.00 - 6,549.99 6.550.00 - 6.699.99 6.700.00 - 6.849.99 6,850.00 - 6,999.99 7.150.00 - 7.299.99 7.300.00 - 7.449.99 7,450.00 - 7,599.99 7,750.00 - 7,899.99 7.900.00 - 8.049.99 8,050.00 - 8,199.99 8,200.00 - 8,349.9 8,350.00 - 8,499.99 8.500.00 - 8.649.99 8,650.00 - 8,799.99 8,800.00 - 8,949.99 9.100.00 - 9.249.99 9.250.00 - 9.399.99 9,400.00 - 9,549.99 9.700.00 - 9.849.99 2.678.00 38,650.00 - 38,799.99 9.850.00 - 9.999.99 2,704.00 38.800.00 - 38.949.99 10,000.00 - 10,149.99 2,756.00 38.950.00 - 39.099.99 412.00 10,150.00 - 10,299.99 39,100.00 - 39,249.99 2,834.00 10,300.00 - 10,449.99 10.450.00 - 10.599.99 2.886.00 39.400.00 - 39.549.99 417.00 10,600.00 -10,749.99 2,912.00 39.550.00 - 39.699.99 419.00 10,750.00 -10,899.99 420.00 39,700.00 - 39,849.99 10,900.00 -11,049.99 39,850.00 - 39,999.99 11.050.00 - 11.199.99 3.042.00 40,000.00 - 40,149.99 11,200.00 - 11,349.99 3.094.00 40.150.00 - 40.299.99 425.00 11,350.00 - 11,499.99 3,120.00 427.00 40,300.00 - 40,449.99 40,450.00 - 40,599.99 11.650.00 - 11.799.99 3.224 00 40,600.00 - 40,749.99 125.00 11.800.00 - 11.949.99 3,250.00 40.750.00 - 40.899.99 431.00 3.302.00 11,950.00 - 12,099.99 40.900.00 - 41.049.99 433.00 12,100.00 - 12,249.99 41,050.00 - 41,199.99 3,380.00 12,250.00 - 12,399.99

10,556.00 10.608.00 10.686.00 10.712.00 10,764.00 10.842.00 10.894.00 10,920.00 10,972.00 11.050.00 11,102.00 11,180.00 11.206.00 11.258.00 11,284.00 12.400.00 - 12.549.99 3.406.00 41.350.00 - 41.499.99 11.388.00 12,550.00 - 12,699.99 133.00 3,458.00 41,500.00 - 41,649.99 439.00 11,414,00 2,700.00 - 12,849.9 41,650.00 - 41,799.99 11,466.00 12,850.00 - 12,999.99 41,800.00 - 41,949.99 13.000.00 - 13.149.99 3.588.00 41,950.00 - 42,099.99 13.150.00 - 13.299.99 3.614.00 42.100.00 - 42.249.99 42,250,00 - 42,399,9 13,600.00 - 13,749.99 3.744.00 42,550.00 - 42,699.99 11,700.00 146.00 3.796.00 11,752.00 13.750.00 - 13.899.99 42.700.00 - 42.849.99 3.822.00 13,900.00 - 14,049.99 454.00 11.804.00 42,850.00 - 42,999.99 11,830.00 43,000.00 - 43,149.99 14,200.00 - 14,349.99 3.900.00 14.350.00 - 14.499.99 3.952.00 43.300.00 - 43.449.99 11,908.00 4,004.00 460.00 14,500.00 - 14,649.99 43,450.00 - 43,599.99 11.960.00 43,600.00 - 43,749.99 11,986.00 14,800.00 - 14,949.99 12,038.00 43,750.00 - 43,899.99 14.950.00 - 15.099.99 4.108.00 12,090.00 43,900.00 - 44,049.99 4,160.00 15,100.00 - 15,249.99 44.050.00 - 44.199.99 12,116.00 15,250.00 - 15,399.9 468.00 12,168.00 44,200.00 - 44,349.99 44,350.00 - 44,499.99 15.550.00 - 15.699.99 4,290.00 44,500.00 - 44,649.99 471.00 473.00 12,246.00 4.316.00 15.700.00 - 15.849.99 44.650.00 - 44.799.99 12,298.00 15,850.00 - 15,999.99 12,324.00 44,800.00 - 44,949.99 44,950.00 - 45,099.99 12,376.00 16,150.00 - 16,299.99 4,446.00 12,402.00 16.300.00 - 16.449.99 4,498.00 45,250.00 - 45,399.99 479.00 480.00 12,402.00 4,524.00 16,450.00 - 16,599.99 12,480,00 45,400.00 - 45,549.99 16,600.00 - 16,749.9

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546.00 547.00 14,222.00 14,274.00 549.00 51,850.00 - 51,999.99 52,000.00 - 52,149.99 14,352.00 52.300.00 - 52.449.99 553.00 555.00 14,378.00 14.430.00 52,450.00 - 52,599.99 14,482.00 52,600.00 - 52,749.99 52,750.00 - 52,899.99 52.900.00 - 53.049.99 14,560.00 561.00 53.050.00 - 53.199.99 14.586.00 563.00 14,638.00 53,200.00 - 53,349.99 53,350.00 - 53,499.99 53,500.00 - 53,649.99 14,716.00 53.650.00 - 53.799.99 14.768.00 14,794.00 53,800.00 - 53,949.99 53,950.00 - 54,099.99 14,898.00 54,100.00 - 54,249.99 54.250.00 - 54.399.99 574.00 576.00 14,924.00 14.976.00 54,400.00 - 54,549.99 15,002.00 54,550.00 - 54,699.99 15,054.00 54,700.00 - 54,849.99 54.850.00 - 54.999.99 15,080.00 55.000.00 - 55.149.99 582.00 15.132.00 55,150.00 - 55,299.99 15,184.00 55,300.00 - 55,449.99 55,450.00 - 55,599.99 15,262.00 55.600.00 - 55.749.99 15,288.00 15,340.00

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YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected** 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. leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD)

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law 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

What does my employer need to do? An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury If you are eligible for FMLA leave, your **employer must**: or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less 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.

> 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 or not eligible for FMLA leave. If your employer determines that you are eligible

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 proces: SCAN MF

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

UNITED STATES DEPARTMENT OF LABOR

FED

Color

National origin

Disability

sexual orientation, or gender identity)

FED

enforces the FMLA for most employees

Am I eligible to take FMLA leave?

or previous calendar year,

How do I request FMLA leave?

Generally, to request FMLA leave you must:

You work for a covered employer,

You are an eligible employee if all of the following apply:

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

Your serious mental or physical health condition that makes you unable to work,

paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Your employer has at least 50 employees within 75 miles of your work location.

To care for your spouse, child or parent with a serious mental or physical health condition, and

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted,

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided

You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current

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

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military

The birth, adoption or foster placement of a child with you.

hours each day or week. Read Fact Sheet #28M(c) for more information.

You have worked for your employer at least 12 months,

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

You work for an elementary or public or private secondary school, or

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.

Employees (current and former), including managers and temporary

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

U.S. Equal Employment Opportunity Commission 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.

accommodation) or pregnancy accommodation Job applicants Union members and applicants for membership in a union **Discrimination has Occurred?** What Types of Employment Discrimination are Illegal?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because Under the EEOC's laws, an employer may not discriminate against you, regardless there are strict time limits for filing a charge of discrimination (180 or 300 of your immigration status, on the bases of

1-800-669-4000 (toll free) Sex (including pregnancy, childbirth, and related medical conditions, 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an FFOC field office (information at

Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding Additional information about the EEOC including information about filing a charge of

Interference, coercion, or threats related to exercising rights regarding discrimination, is available at www.eeoc.gov. disability discrimination or pregnancy accommodation What Organizations are Covered?

State and local governments (as employers) Educational institutions (as employers)

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

Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct)

Failure to provide reasonable accommodation for a disability: pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice

Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees 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 What can You Do if You Believe

days, depending on where you live/work). You can reach the EEOC in any of the following ways an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx

www.eeoc.gov/field-office)

Genetic information (including employer requests for, or purchase, use, info@eeoc.gov

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitment 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

EMPLOYERS HOLDING FEDERAL CONTRACTS OR

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, **National Origin** Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender

opportunity in all aspects of employment

identity, or national origin, and requires affirmative action to ensure equality of

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing,

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 to the known physical or mental limitation:

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** 

veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans

Retaliation is 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:

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

If you are deaf, hard of hearing, or have a speech disability, please dial '-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or Department of Labor and on 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, Title VI of the Civil Rights Act of 1964, as amended, prohibits s covered by Title VI if the primary objective of the financial assistance is Education Amendments of 1972 prohibits employment discrimination on the

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits

imployment discrimination on the basis of disability in any program or activity

which receives Federal financial assistance. Discrimination is prohibited in all

reasonable accommodation, can perform the essential functions of the job.

aspects of employment against persons with disabilities who, with or without

If you believe you have been discriminated against in a program of any institution

which receives Federal financial assistance, you should immediately contact the

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

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 under other than honorable

you have five years or less of cumulative service in the uniformed services while with that particular

you ensure that your employer receives advance written or verbal notice of your service;

not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member of the uniformed •

have applied for membership in the uniformed

then an employer may not deny you: initial employment; reemployment:

retention in employment because of this status.

promotion; or any benefit of employment

are obligated to serve in the uniformed service;

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.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had and resolve complaints of USERRA violations.

> viewed at <a href="https://webapps.dol.gov/elaws/vets/userra">https://webapps.dol.gov/elaws/vets/userra</a> to the Department of Justice or the Office of Special Counsel, as applicable, for representation.



Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

 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)

• File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.

 Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

**Employers must:**  Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health

Comply with all applicable OSHA standards.

reporting a work-related injury or illness.

of an eye. Provide required training to all workers in a

language and vocabulary they can understand.

 Prominently display this poster in the workplace. Post OSHA citations at or near the place of

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

the alleged violations.



J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868 JUN2023 65906F

This poster is in compliance with federal and state posting requirements.

WVUC-B-59

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or are waiting to enter school or an educational institution. For each week in which you are unemployed because of your request or that of your duly-authorized agent for a vacation at a specified time that leaves your employer no other alternative but to suspend operations For the week in which you receive any annuity, pension, or other retirement pay from a base period employer, or from a fund towards which a base period employer has contributed. If your remuneration is less than the unemployment benefits otherwise due you, your unemployment benefits will be reduced by the amount of your annuity, pension, etc. For each week in which and for 52 weeks thereafter, if the commissioner finds that you, within the preceding 24 months, knowingly made a false statement or failed to reveal a material fact in order to obtain or increase or attempt to obtain or increase a benefit; and you shall be considered guilty of a misdemeanor and may be subject to severe penalties. Neither the full effect nor the duration of a disqualification is given here in **SOCIAL SECURITY NUMBER** Bring your Social Security Card with you when you report to the local office. Your Social Security Number will only be printed on the most pertinent documents. Inemployment compensation benefits are subject to Federal income tax and there are requirements relating to estimated tax payments. You may choose to have Federal ncome tax deducted and withheld from any unemployment benefits paid to you.

or terms, if you perform services in the first academic year or term or prior

to the beginning of a holiday or vacation period and there is a contract or a

reasonable assurance that you will perform services in the second academic

year or term or after a holiday or vacation period. (EXCEPTION: If you have

sufficient nonschool wages in your base period to qualify for benefits based

upon the non-school wages only, you may be entitled to benefits during this

For any week on the basis of services performed as an alien, unless you are

If you leave work voluntarily to attend school or other educational institution,

lawfully residing in the United States and have a valid permit to work.

These **FULL-TIME CLAIMS OFFICES** are operated Monday through Friday each week: MORGANTOWN CHARLESTON PARKERSBURG CLARKSBURG PUTNAM

SOUTH BRANCH

FAIRMONT SUMMERSVILLE GRFFNBRIFR WFIRTON HUNTINGTON WELCH WHEELING MARTINSBURG VALLEY MERCER COUNTY

> Assianment Pay (unequal wages or compensation) Job training

> > Classification Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or

> > > FED

or discussing their compensation or the compensation of other applicants or **Disability** of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires

Federal agency providing such assistance.

YOUR RIGHTS UNDER USERRA

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

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate 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/. An interactive online USERRA Advisor can be

by displaying the text of this notice where they customarily place notices for employees. U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel

related injury or illness, without being retaliated against.

 See any OSHA citations issued to your employer.

62946

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Rev. 06/14/2016

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Go to: JJKeller.com/LLPverify Enter this code: 69514-062023

ONLINE

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.

Allow you to take job-protected time off work for a qualifying reason, Continue your group health plan coverage while you are on leave on the same basis as if you had not taken

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights

your employer must notify you in writing:

REV. 04/2023

The Vietnam Era Veterans' Readiustment Assistance Act of 1974, as amended. 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled

activities receiving Federal financial assistance. Employment discrimination rovision of employment, or where employment discrimination causes or may ause discrimination in providing services under such programs. Title IX of the

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.

> 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.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred 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 VETS, and may be viewed on the internet at this address: <a href="https://www.dol.gov/agencies/vets/programs/userra/poster">https://www.dol.gov/agencies/vets/programs/userra/poster</a> Federal

participate) in an OSHA inspection and speak in private to the inspector

This poster is available free from OSHA.

Contact OSHA. We can help.

**TWO** ways to verify poster compliance! **QR CODE**) Scan with phone camera

FED-WV-ENG

basis of sex in educational programs or activities which receive Federal financial

REV. 06/27/2023

Employer Support of the Guard and Reserve • 1-800-336-4590

 Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss

law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

To update your labor law posters contact

**REV. 05/2022** 

and safety concern with you or with OSHA, or

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