

LABOR LAW POSTINGS

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 with you,
- Your serious mental or physical health condition that makes you

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.

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

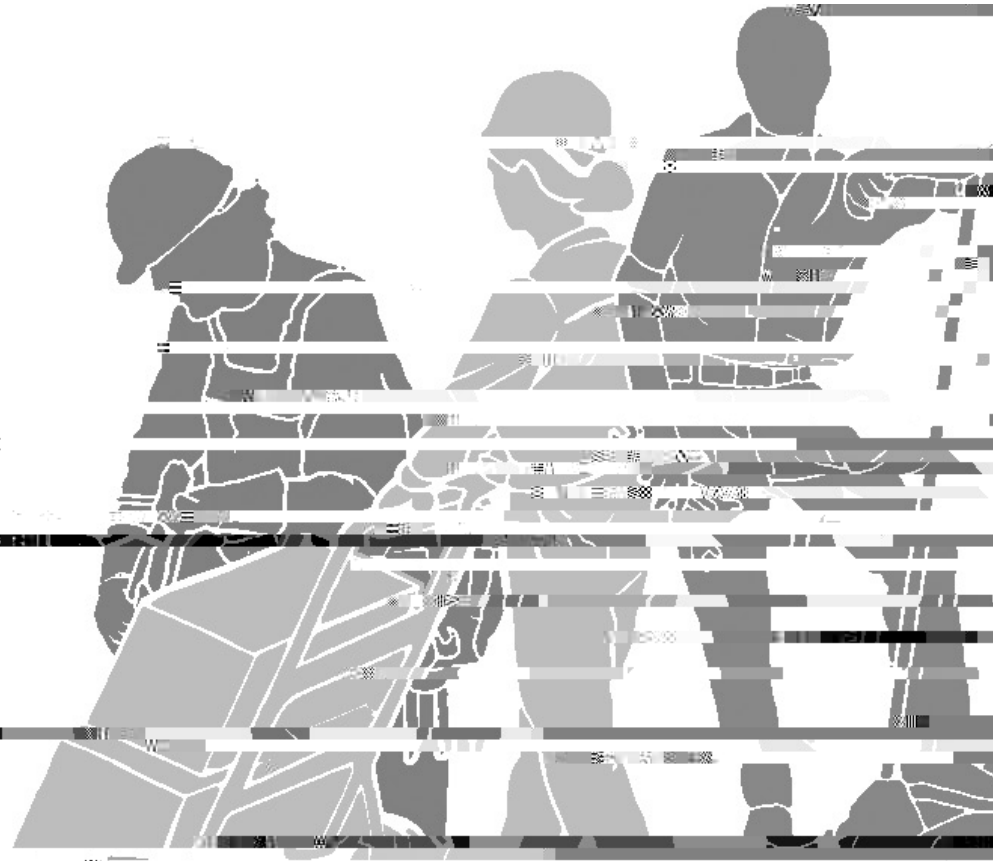
See any OSHA citations issued to your employer.

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

Post OSHA citations at or near the place of the alleged violations.

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

Contact OSHA. We can help.



1-800-321-OSHA (6742) • TTY 1-877-689-9397 • www.osha.gov

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 ½ 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 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 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.

PUMP AT WORK 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

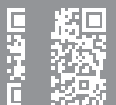
ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some 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) contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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



WH1088 REV 0423



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

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Compliance Programs (OFCCP) enforces the



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 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 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;

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

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.



WYOMING



LABOR LAW POSTINGS

HEALTH AND SAFETY PROTECTION ON THE JOB

Wyoming Department of Workforce Services Notice to Employees Health and Safety Protection on the Job

The Wyoming Occupational Health and Safety Act provides job health and safety protection for workers employed by general business and industry throughout the state as well as for all employees of the state and its political sub-divisions.

The Wyoming Department of Workforce Services, OSHA Division, created by the Act, has primary responsibility for administering the Act, and the Occupational Health and Safety Commission promulgates rules and regulations for workplace health and safety standards as authorized by the Act.

By law: Safety on the job is everybody's responsibility!

Employers

Each employer shall provide a place of employment as well as employment which are free from recognized hazards that are causing or that are likely to cause death or serious physical harm. Each employer shall comply with occupational safety and health standards, rules, regulations and orders issued pursuant to the Act.

Employees

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this Act, which are applicable to their own action and conduct.

Employer Reporting Requirements

Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.

Inspection

The Act requires that a representative or representatives of the employers and a representative or representatives authorized by the employees shall be given an opportunity to accompany a duly authorized representative of the Commission before or during the physical inspection of any workplace for the purpose of aiding such inspection.

Where there is no authorized employee representative, the authorized representative of the Commission (Compliance Officer) shall consult with a reasonable number of employees concerning matters of safety and health.

Violation

If upon inspection Wyoming OSHA Division determines that an employer has violated the Act, a citation and notification of penalty will be issued to the employer within 180 days following the occurrence of the violation. Each notice of violation will specify a time period within which the violation must be corrected.

The notice of violation must be prominently posted in a conspicuous place at or near the site of the violation until the violation is corrected, or for three working days, whichever period is longer.

Voluntary Action

Technical Assistance Consultative Services is responsible for providing free technical assistance to all employers, associations, state and local governments working within the boundaries of Wyoming. These services are available upon a written request from employers. These services include but are not limited to courtesy visits (without assessment of penalties), health and safety training and consultative services.

Complaint

Employees or their representatives have the right to file a complaint with Wyoming OSHA requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Wyoming OSHA will withhold complainant names.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Note: Discrimination cases do not have a set number of days to issue a citation for protected activity.

An employee who believes he or she has been discriminated against through retaliatory action by your employer may file a complaint with Wyoming OSHA

Division, Cheyenne, Wyoming 82002 and/or the Regional Office of OSHA, U.S. Department of Labor, at the Address listed below this notice within 30 days of the alleged discrimination.

Penalty

The Act provides for mandatory penalties for serious and repeat serious violations and for optional penalties for each non-serious or regulatory violation(s). Penalties can also be required for each day during which an employer fails to correct a violation beyond the period set for correction in the notice of violation. In addition, any employer who willfully and knowingly violates the Act, can be assessed penalties for each willful violation. Penalty amounts can be obtained by contacting Wyoming OSHA at (307) 777-7786 or from checking rules.wyo.gov/Search.aspx?mode=1.

Additional penalties are also provided for in the Act: any willful violation resulting in death of an employee, upon conviction of an employer, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six (6) months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.



WYOMING STATE MINIMUM WAGE

\$5.15
Per Hour

A training wage of \$4.25 per hour is allowed for employees under

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employment.

WYOMING UNEMPLOYMENT INSURANCE

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Department of Workforce Services

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Wyoming Claims Center

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Internet Claims



WYOMING WORKERS' COMPENSATION ACT

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FEDERAL VS STATE LAWS: WHICH APPLY TO MY BUSINESS?

Wyoming employers who hire youth ages 14-17 must comply with either federal or state child labor laws. In almost all cases, Wyoming employers are subject to all federal child labor laws. The federal requirements are discussed in Section A of this brochure.

STATE LAW

Wyoming employers who are not required to comply with federal child labor laws are required to observe the State of Wyoming's child labor laws. Very few Wyoming employers fall under this category. Information regarding employers who fall under state child labor requirements can be found in Section B.

YOUTH EMPLOYED BY PARENTS

It is important to note that minors of any age may be employed by their parents at any time in any occupation on a farm owned or operated by their parents. Minors under 16 may be employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the U.S. Secretary of Labor.

Occupations that have been declared hazardous by the Secretary of Labor include:

- working in or around

**A GUIDE TO CHILD LABOR REQUIREMENTS
OF THE FAIR STANDARDS LABOR ACT AND
WYOMING LABOR LAWS
PENALTIES**

U.S. DOL has the authority to issue a fine of \$11,000 to an employer for each child labor violation.

The fine for an incident that has resulted in a death or serious injury (burn, dismemberment, permanent serious impairment) is \$50,000. The fine is \$100,000 if the incident is a repeat offense or is determined to be willful. The fine for incorrectly paying a minor repeatedly or willfully is \$1,100. Additionally, U.S. DOL can add on a criminal fine of \$10,000 and imprisonment for repeat offenders. In all cases, the upper limit of the fine has been listed; the U.S. DOL has discretion to lower fines in light of mitigating measure or good faith compliance efforts.

MINIMUM WAGE AND OVERTIME PAY

Minors must be paid the full minimum wage and time and one-half for all hours worked over 40 in a workweek, when over 40 hours is allowed.

EXEMPTIONS

Minors under 14 years of age may work as newspaper deliverers, radio performers and on television, motion picture or theatrical productions.

Minors 16 years of age may work at any time in any farm job.

SECTION B: STATE REQUIREMENTS

PURPOSE AND AUTHORITY

To protect the health and well-being of minors and their opportunity for education pursuant to W.S.27-6-106 through 27-6-116.

Wyoming employers employing youth ages 14-17, who operate their businesses under very distinct circumstances are exempt from federal child labor laws, but are required to abide by the State of Wyoming's child labor laws. In order to be exempt from federal child labor requirements, a business must operate under all of the following circumstances:

- does not ship or receive goods across the Wyoming border;

- has two or less employees;
- grosses less than \$500,000 in sales; and
- operates on a cash-only basis;

Employers who operate under these circumstances are subject to the following Wyoming labor requirements:

ALLOWABLE WORK HOURS

- 1) No more than 8 hours in any 12-hour period.
- 2) No work before 5:00 am or after 10:00 PM on nights followed by a school day, or after midnight on days which are not followed by a school day.
- 3) Children not enrolled in school may work for an 8-hour period between 5:00 AM and midnight.

HAZARDOUS OCCUPATIONS

The following occupations are prohibited for minors ages 14 and 15:

- 1) The operation of or working on heavy construction equipment.
- 2) Employment requiring contact with or exposure to explosives or dangerous chemicals.
- 3) As an actor or performer in any concert hall or room where alcoholic liquors and malt beverages are sold or given away.
- 4) For any illegal or immoral purposes.
- 5) For any business or in any place, situation,

exhibition, or vocation injurious to morals, health, or safety of the child.

AGRICULTURE

Farm service is exempt from the state child labor

ATTENTION EMPLOYEES AND APPLICANTS

Summary of Work-Related Injuries and Illnesses



All establishments covered by Part 1904 must complete this Summary page, even if no injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete.

Street 231 West Sixth Street Building 1

Wyoming

Zip 82435

Standard Industrial Classification (SIC), if known (e.g., SIC 3715)

OR North American Industrial Classification (NAICS), if known (e.g., 336212)

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NOTIFICATION TO APPLICANTS & EMPLOYEES

POLICY OVERVIEW

Northwest College has a vital interest in maintaining safe, healthful, and efficient working conditions for all

1)

PAYDAY NOTICE

Regular Paydays for Employees of Northwest College shall be as follows:

MONTHLY

By: Tracy Gasaway

Title: Payroll Specialist