



LABOR LAW ABSTRACT

Payment of Wages Act

When an employee is hired, the employer must notify the employee in writing of:

- the wages agreed upon
- the normal hours the employee will work
- the time and place wages will be paid
- the deductions an employer may make from wages, including insurance

Changes to these terms must be in writing at least seven (7) calendar days before they become effective.

Employers must pay employees all wages due each pay period. Employers must also give employees an itemized statement showing gross pay and all deductions made each pay period and maintain records of wages paid for three years.

Employers who violate the Payment of Wages Act are subject to a civil penalty of \$100 for each violation. Employees can recover up to three times the full amount of unpaid wages, costs, and attorney's fees in a civil action.

To report a suspected violation, or for recordkeeping or other questions involving the Payment of Wages Act, or to order a copy of the Payment of Wages Act, please contact the Office of Wages and Child Labor at the address and number listed below.

Child Labor

No employer in this State shall engage in any oppressive child labor practices. Oppressive child labor includes employment of any minor in any occupation declared by the Director of Labor, Licensing and Regulation to be particularly hazardous or detrimental to the health or well being of minors. Oppressive child labor also includes employment of minors who are 14 or 15 years old under the following conditions:

- During school hours
- Before 7 a.m. or after 7 p.m. (9 p.m. during the period of summer break of the school district in which the minor resides)
- More than 18 hours during school weeks
- More than 3 hours on school days
- More than 40 hours in non-school weeks
- More than 8 hours on non-school days

For details involving child labor provisions, please contact the Office of Wages and Child Labor at:

SC Department of Labor, Licensing and Regulation
Office of Wages and Child Labor
P.O. Box 11329, Columbia, SC 29211-1329
Phone: 803-896-4470 www.llronline.com

Right-to-Work

The right to work of a person in South Carolina cannot be denied, interfered with, or abridged because the person belongs – or does not belong – to a labor union. An employer, labor organization, or other person who violates a worker's rights under these provisions is guilty of a misdemeanor, and, upon conviction, must be punished by imprisonment for not less than ten days nor more than thirty days, a fine of not less than one thousand dollars but not more than ten thousand dollars, or both. In addition, the employer, labor organization, or other person is subject to a lawsuit by the aggrieved worker. For more information, call 803-896-4470.

Immigrant Worker

The "South Carolina Illegal Immigration and Reform Act" requires all employers to verify the legal status of new employees and prohibits employment of any worker who is not legally in this country and authorized to work.

After July 1, 2009, all businesses in South Carolina are imputed a South Carolina employment license which permits an employer to hire employees. The imputed employment license remains in effect as long as the business abides by the law.

Effective January 1, 2012, all South Carolina employers are required to enroll in the U.S. Department of Homeland Security's E-Verify program and verify the status of new employees within three business days, using E-Verify. Failure to use E-Verify to verify new hires will result in probation for the employer or suspension/revocation of the employer's business license.



EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

Against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIA Title I financially assisted program or activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

What to do if you believe you have experienced discrimination:

If you think that you have been subjected to discrimination under a WIA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Complaints filed at the recipient level should be in writing and sent to:

EO Officer
Post Office Box 908
Columbia, SC 29202
Telephone No: (803) 737-2381
TTY Relay Service - dial 711



FAIR HOUSING LAW

SUMMARY OF THE SOUTH CAROLINA FAIR HOUSING LAW

Section 31-21-10: Names the law “The South Carolina Fair Housing Law.”

Section 31-21-20: States policy of this State to provide fair housing.

Section 31-21-30: Defines words and phrases used throughout the Act. For example, “familial status” means one or more individuals who have not attained the age of eighteen years and domiciled with parent or legal guardian; or a pregnant person; or one securing legal custody of a child under 18 years.

Section 31-21-40: Describes activities which are unlawful as they relate to selling or renting dwellings because of race, color, religion, sex, familial status, national origin, or handicap.

Section 31-21-50: Makes unlawful denial of real estate services based on race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-60: Makes unlawful discrimination making real estate-related transactions available, or in terms and conditions of transactions, because of race, color, religion, sex, handicap, familial status, or national origin.

Section 31-21-70: Describes activities exempted from the Act.

Section 31-21-80: Makes unlawful coercion, intimidation, threats, or interference with any person for exercising rights under the law.

Section 31-21-90: Grants jurisdiction to the South Carolina Human Affairs Commission to administer this law.

Section 31-21-100: Allows the Commission to:

- Promulgate regulations.
- Make studies of housing practices.
- Publish reports of such studies.
- Cooperate with and give technical assistance to agencies, organizations and institutions within the state.
- Cooperate with and contract with HUD and other governmental agencies.
- Accept reimbursement for services rendered to HUD.
- Accept gifts and donations.
- Go to court to compel compliance with the law.
- Contract with and accept reimbursement from persons and organizations in effectuating purposes of the law.
- Administer the programs and activities relating to housing in a manner affirmatively to further the policies of this Chapter.

Section 31-21-110: Gives the Commission powers to:

- Examine and copy records.
- Take testimony or statements.
- Issue subpoenas.
- Go to court to enforce subpoenas.

Section 31-21-120: Requires complaints to be in writing, filed within 180 days after alleged discriminatory housing practice occurs, and requires notice to complainant and respondent; imposes confidentiality and imposes criminal sanction for breach of confidentiality; imposes certain time requirements for completion of investigations and final administrative disposition of complaints.

Section 31-21-130: Provides for Administrative Hearings and Court Trials; establishes procedures for Hearing Panel, Pleadings, penalties for violations, Court enforcement of Commission Orders and Court Appeal process from Commission Orders.

Section 31-21-140: Establishes one year statute of limitations for filing court action and provides remedies if the Court determines the existence of violations.

Section 31-21-150: Provides for determination of other agencies having investigative authority of complaints and coordination of efforts to avoid multiple investigations.



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EMPLOYMENT DISCRIMINATION

SOUTH CAROLINA HUMAN AFFAIRS LAW PROHIBITS EMPLOYMENT DISCRIMINATION

Under state law an employer may not discriminate against you on the bases of: Race, Color, National Origin, Religion, Age (40+) or Disability, Sex (Including pregnancy, childbirth, or related medical conditions, sexual orientation, or gender identity).

The South Carolina Human Affairs Commission (SCHAC) enforces state and federal laws that protect employees and applicants from employment discrimination.

Examples of Illegal Employment Practices:

All aspects of employment including:

- Failure to hire or promote
- Pay (Unequal wages or compensation) or Benefits
- Failure to provide reasonable accommodation due to:
 - a disability
 - sincerely held religious belief, observance, or practice
 - pregnancy, childbirth, or related medical condition, including, but not limited to, lactation
- Unlawful Discipline/Demotion/ Suspension
- Retaliation or conduct, that might reasonably discourage someone from:
 - opposing discrimination
 - filing a charge
 - or participating in an investigation or proceeding
- Applying different terms and conditions of employment
- Harassment including:
 - unwelcome verbal or physical conduct or Intimidation

Enforcement is pursuant to SC Code Ann. §1–13–90. For a full list of unlawful employment actions in this State, please refer to SC Code Ann. §§1–13–80 & 41–1–130.

How to Report Unlawful Discrimination:

If you believe discrimination has occurred, contact the South Carolina Human Affairs Commission.

Complete a questionnaire:

- Online at www.schac.sc.gov
 - Call us at (803) 737-7800 or Toll-Free at 1-800-521-0725
- In person or mail to:
1026 Sumter Street, Suite 101
Columbia, SC 29201
- You must file a formal complaint to launch an investigation.
- There are strict time limits for filing charges of employment discrimination. To preserve the ability to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact the SC Human Affairs Commission promptly when discrimination is suspected.

Employers including state agencies, local governments (as employers), educational institutions (as employers), and local subdivision thereof, shall **POST, KEEP POSTED, AND MAINTAINED IN CONSPICUOUS PLACES UPON THEIR PREMISES**, where notices to employees and applicants are customarily posted.

The mission of the SC Human Affairs Commission is to eliminate and prevent unlawful discrimination in: Employment on the bases of Race, Color, National Origin, Religion, Sex (including pregnancy, childbirth, or related medical condition, sexual orientation, or gender identity), Age (40+), or disability; Housing on the bases of: Race, Color, National Origin, Religion, Sex, Familial Status or Disability; Public Accommodations on the bases of: Race, Color, National Origin or Religion.

South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, SC 29201
www.schac.sc.gov
Phone: 803-737-7800
Toll-Free: 1-800-521-0725



PUBLIC ACCOMMODATIONS

SUMMARY OF THE EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS

- Section 45-9-10: States that every person is entitled to full enjoyment of described services and accommodations without discrimination on account of race, color, religion, or national origin, and defines places of public accommodation.
- Section 45-9-20: Exempts private clubs and other establishments not open to the general public.
- Section 45-9-30: Protects persons from intimidation, threats, coercion, or punishment for exercising rights and privileges granted by the law.
- Section 45-9-40: Grants authority to Attorney General to prosecute pattern and practice complaints before a panel of S.C. Human Affairs Commission Board members following investigation by the State Law Enforcement Division; provides for procedures.
- Section 45-9-50: Provides for full hearing before Commission panel and establishes procedures therefore.
- Section 45-9-60: Empowers the Commission to establish rules; grants authority to issue subpoenas; and, grants relief if violation is found.
- Section 45-9-65: Creates exceptions to liability over certain unauthorized conduct of establishment or agency's employee if conduct is not known by the person in charge; provides panel discretion in license revocation mandate in certain situations as described.
- Section 45-9-70: Provides for intervention by interested parties.
- Section 45-9-75: Describes method and procedures for panel's findings of fact, conclusions of law and order of determination; establishes limited right of appeal.
- Section 45-9-80: Provides for mandatory immediate revocation of license and 3-year prohibition against issuance or reissuance of licenses.
- Section 45-9-85: Establishes criminal and civil sanctions for breach of confidentiality.
- Section 45-9-90: Makes violations of the Act a misdemeanor with penalties of fine of not more than \$2,000 or imprisonment for not less than six months nor more than 3 years, or both.
- Section 45-9-100: Creates private right of action with civil remedies of not less than \$5,000 and provides for attorney fees and court costs.
- Section 45-9-110: Requires aggrieved party to exhaust administrative process for filing complaint with the South Carolina Human Affairs Commission and period of 60 days for investigation and conciliation prior to court filing.
- Section 45-9-120: States legislative intent to create three independent courses of action for violations of law.



WORKERS' COMPENSATION

If you are injured on the job, you should:

1. Notify your employer at once. You cannot receive benefits unless your employer knows you are injured.
2. Tell the doctor your employer sends you to that you're covered by workers' compensation.
3. Notify the Workers' Comp. provider in the box below or the Workers' Compensation Commission at (803) 737-5700 if you experience undue delays or problems with your claim.

Workers' Compensation:

1. Pays 100% of your medical bills and some other expenses.
2. Compensates you for 66 2/3% of your salary, limited to the maximum wage set by law, if you are unable to work for more than seven (7) calendar days.

We are operating under and subject to the S.C. Workers' Compensation Act

In case of accidental injury or death to an employee, the injured employee, or someone acting in his or her behalf, must give immediate notice to the employer or general authorized agent. Failure to give such immediate notice may be the cause of serious delay in the payment of compensation to the injured employee or his or her dependents and may result in failure to receive any compensation benefits under the law.

S.C. Workers' Compensation Commission
P.O. Box 1715
Columbia, S.C. 29202-1715
(803) 737-5700
www.wcc.sc.gov

**Workers' Compensation Provider Name, Mailing Address
& Claims Telephone Number:**



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SAFETY AND HEALTH PROTECTION ON THE JOB

The State:

Under the South Carolina Occupational Safety and Health Act, the State is responsible for the enforcement of occupational safety and health standards in all workplaces, both public and private, within the state of South Carolina. However, longshoring, shipbuilding, ship repairing and shipbreaking operations covered by the Longshoremen and Harbor Workers' Compensation Act, as amended, remain under federal jurisdiction.

Employers:

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or physical harm to his employees and shall comply with occupational safety and health standards promulgated by the Director of LLR. Employers must report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours. Reporting may be accomplished by telephone at (803) 896-7672 or in person at 121 Executive Center Drive, Suite 230, Columbia, SC 29211.

Employees:

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued by the director of Labor, Licensing and Regulation which are applicable to his own actions and conduct.

Any employee or representative may request an inspection of place or site of employment. Any employee may file a complaint, either verbally or in writing. Complaint forms and filing information may be found on our website or will be provided, upon request, by the South Carolina Department of Labor, Licensing and Regulation.

Employers and employees have the right to participate in inspections by means of bringing to the attention of the inspecting officer possible violations which exist in their area of work and the right to participate in the walk-around inspection. The inspecting officer shall have the right to determine the number of persons participating in the walk-around inspection.

Under state law, when the authorized representative of the employees accompanies the inspecting officer during a walk-around inspection, he shall not suffer any loss of wages or other benefits which would normally accrue to him.

Where there is no authorized representative, the inspecting officer will consult with a reasonable number of employees concerning matters of safety and health in the workplace.

Discrimination:

State and federal laws prohibit discrimination against any employee if he files a complaint or causes any proceeding under or related to this Act or is about to testify in any such proceedings or because of the exercise by any employee on behalf of himself or others of any right afforded under state and federal law. The Director of Labor, Licensing and Regulation or the nearest federal OSHA offices must be

notified within thirty (30) days after such discriminatory act occurs. State and local government employees should file such complaints with the Director, South Carolina Department of Labor, Licensing and Regulation. A public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8.

Citations:

Citations listing the alleged violations during an inspection will be mailed to the employer with reasonable promptness. State law requires such citations be promptly posted at appropriate places for employee information for three (3) days, or until the violations are corrected, whichever is later, to warn employees of dangers that may exist.

Penalties:

An employer may be assessed a penalty up to seven thousand (\$7,000) dollars for a non-serious violation.

An employer who receives a citation for a serious violation may be assessed a penalty up to seven thousand (\$7,000) dollars for each such violation.

Any employer who willfully violates an occupational safety and health rule or regulation may be assessed a penalty not more than seventy thousand dollars (\$70,000) for each violation.

Any employer who willfully violates an occupational safety and health rule or regulation and the violation causes death to an employee shall be deemed guilty of a misdemeanor and, upon conviction, be punished by fine, imprisonment or both.

For more information, contact:

South Carolina Department of Labor,
Licensing and Regulation
Office of OSHA Compliance
P.O. Box 11329
Columbia, SC 29211
(803) 896-7665
www.scosha.llronline.com

Under a plan approved November 30, 1972 by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of South Carolina is providing job safety and health protection for workers throughout the State. Federal OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the State administration of this plan directly to the Regional Office of OSHA, U.S. Department of Labor, 61 Forsyth Street S.W., Room 6T50, Atlanta, Georgia 30303.



2025 POSTING REQUIREMENTS

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CONTACTS

For more information, contact:

SC Department of Labor, Licensing and Regulations
803-896-4380 • www.llronline.com

SC Department of Employment and Workforce
803-737-2400 • www.dew.sc.gov

SC Human Affairs Commission
803-737-7800 • 1-800-521-0725 • www.schac.sc.gov

SC Workers' Compensation Commission
803-737-5700 • www.wcc.sc.gov

THIS NOTICE MUST BE POSTED CONSPICUOUSLY.



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UNEMPLOYMENT INSURANCE

This establishment may be covered by the S.C. Unemployment Compensation Law

If you become unemployed, contact your local SC Works center for assistance with employment opportunities. If no job is immediately available, you may be eligible for unemployment insurance. If only part time work is available, you may be eligible for partial benefits. Apply online anytime, anywhere at <https://scuihub.dew.sc.gov/CSS/>. A guide to applying for unemployment benefits can be found at <https://dew.sc.gov/individuals/apply-for-benefits>.

WORKERS PAY NO PART OF THE COST FOR UNEMPLOYMENT INSURANCE

Unemployment Insurance Tax:

Often unemployed workers tell us that unemployment insurance is due them “because they have paid for it.” In South Carolina, employees do not fund unemployment insurance through deductions from pay. Employers fund unemployment insurance through tax contributions.

Social Security Tax:

Don't confuse unemployment insurance with old-age, survivors and disability insurance. The amount deducted from your wages as social security is your contribution to old-age, survivors and disability insurance. The employer contributes an equal amount, in addition to his payment of the full unemployment insurance tax.

If you have lost your job due to domestic violence, there is a possibility you may be eligible for unemployment insurance benefits.



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FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

\$7.25 Per Hour
Beginning JULY 24, 2009

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

OVERTIME PAY At least 1½ times your 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 of Labor 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 also 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.
- 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.

U.S. Department of Labor | Wage and Hour Division

1-866-487-9243 | TTY: 1-877-889-5627

www.dol.gov/agencies/whd



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WORKERS WITH DISABILITIES

EMPLOYEE RIGHTS FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such special minimum wages are referred to as “**commensurate wage rates**” and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of **\$7.25 per hour beginning July 24, 2009**. A “commensurate wage rate” is based on the worker’s individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

WORKERS WITH DISABILITIES

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

- An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased.

OVERTIME Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR Minors younger than **18 years** of age must be employed in accordance with the child labor provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract.

FRINGE BENEFITS Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). **Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the wage determination.**

WORKER NOTIFICATION Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

PETITION PROCESS Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it.

For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor • Wage and Hour Division



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POLYGRAPH PROTECTION ACT

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 discharging, disciplining, 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 does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

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

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

U.S. Department of Labor | Wage and Hour Division

1-866-487-9243 | TTY: 1-877-889-5627

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YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

REEMPLOYMENT RIGHTS

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 & 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/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/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 VETS, and may be viewed on the internet at this address:

<https://www.dol.gov/agencies/vets/programs/userra/poster>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Justice
Office of Special Counsel
U.S. Department of Labor:
1-866-487-2365

Employer Support of The Guard and Reserve:
1-800-336-4590



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KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

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 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 bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- 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 discrimination, is available at www.eeoc.gov.



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)
- Hiring or promotion
- 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 in any of the following ways:

- Submit** an inquiry through the EEOC's public portal: <https://publicportal.eeoc.gov/Portal/Login.aspx>
- Call** 1-800-669-4000 (toll free)
1-800-669-6820 (TTY)
1-844-234-5122 (ASL video phone)
- Visit** an EEOC field office (information at www.eeoc.gov/field-office)
- E-Mail** info@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 following bases:

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 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 11246, 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 to 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 against, and requires affirmative action to recruit, employ, and advance in employment, disabled 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

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:

The Office of Federal Contract Compliance Programs (OFCCP)
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 7-1-1 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 district office, listed in most telephone directories under U.S. Government, 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 discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes 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.

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.



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Job Safety and Health *IT'S THE LAW!*

OSHA

Occupational Safety and Health Administration
U.S. Department of Labor

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 an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions, OSHA will keep your name confidential. 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.

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 and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss 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 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 1-877-889-5627 • www.osha.gov



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FAMILY AND MEDICAL LEAVE ACT

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 unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, 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 #28M(c) for more information.

FMLA leave is **not 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 reason 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.

Airline 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.

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 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 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.

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 qualifying 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 or not eligible for FMLA leave. 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.**

SCAN ME



U.S. DEPARTMENT OF LABOR
Wage and Hour Division

Scan the QR code to file a complaint.