



2024 POSTING REQUIREMENTS

# ALASKA

# 2024

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## WAGE AND HOUR ACT

### SUMMARY OF ALASKA | WAGE AND HOUR ACT

**Effective January 1, 2024, the Alaska minimum wage shall be \$11.73 per hour.**

Alaska Statute 23.10.050 - 23.10.150 establishes minimum wage and overtime pay standards for employment subject to its provisions. These standards are generally applicable to all employees. School bus drivers, however, shall receive at least two times the Alaska minimum wage. Other exceptions to the minimum wage requirement follow.

#### **Alaska minimum wage and overtime requirements do not apply to any individual employed as follows:**

- In agriculture;
- In the taking of aquatic life; or the hand picking of shrimp;
- In domestic service (including babysitting) in or about a private home;
- By U.S., state or local governments (i.e. political subdivisions);
- In voluntary service in the nonprofit activities of a religious, charitable, cemetery, educational or other nonprofit organization which are related only to the organization's nonprofit activities;
- In a bona fide executive, professional or administrative capacity as defined in regulations of the Commissioner of Labor and Workforce Development and in the FLSA; or in certain computer occupations, or as an outside salesman, or as any salesman working on a straight commission basis;
- Youth under age 18 employed part-time for not more than 30 hours in any week;
- An individual who is employed by a motor vehicle dealer and whose primary duty is to (a) receive, analyze or reference requests for service, repair or analysis of motor vehicles; (b) arrange financing for the sale of motor vehicles and related products and services that are part of the sale; or (c) solicit, sell, lease or exchange motor vehicles;
- An individual who provides emergency medical services only on a voluntary basis; serves with a full-time fire department only on a voluntary basis; or provides ski patrol services on a voluntary basis;
- A student participating in a University of Alaska practicum described under AS 14.40.065;
- A person licensed under AS 08.54 and who is employed by a registered guide or master guide licensed under AS 08.54 for the first 60 workdays so employed during a calendar year;
- An independent taxicab driver who establishes the driving area and hours, who contracts on a flat rate basis for the use of the cab, permit or dispatch services, and who is compensated solely by the customers served;
- Solely as a watchman or caretaker on premises out of operation for longer than four months;
- In delivery of newspapers to the consumer;
- In the search for placer or hard rock minerals;
- An individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational or educational organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program);
- By a nonprofit educational or child care facility to serve in place of a parent of children in residence if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than \$10,000 for an unmarried person; or \$15,000 for a married couple.

### OVERTIME HOURS

The standard workweek shall not exceed 40 hours per week or eight hours per day. Should an employer find it necessary to employ an employee in excess of these standards, overtime hours shall be compensated at the rate of one and one-half times the regular rate of pay.



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## WAGE AND HOUR ACT (CONT.)

### Compensation at the overtime rate is not required in the following cases:

- By an employer who employs three or fewer people in the regular course of business;
- An individual employed in handling, packing, storing, pasteurizing, drying, canning, or preparing in their raw or natural state agricultural or horticultural commodities for market, or in making cheese, butter or other dairy products;
- Agricultural employees;
- An employee employed as a seaman;
- Workers engaged in planting or tending trees, cruising, surveying, bucking or felling timber, preparing or transporting logs or other forestry products to the mill, processing plant, railroad or other transportation terminal if the total number of employees in such lumber operation does not exceed 12;
- An individual employed as an outside buyer of poultry, eggs, cream or milk in their raw or natural state;
- Hospital employees whose duties include the provision of medical services;
- An employee under a flexible work hour plan which is included as part of a collective bargaining agreement;
- An employee under a voluntary flexible work plan if the employee and employer have signed a written agreement which has been approved by the Department (*Overtime rates must be paid for work over 40 hours a week and over the hours specified on the flexible work hour plan not included in a collective bargaining agreement*);
- A community health aide employed by a local or regional health organization as those terms are defined in AS 18.28.100;
- Work performed by certain flat-rate mechanics primarily engaged in servicing automobiles, light trucks, and motor homes, subject to certain and specific provisions (see AS 23.10.060(d)17));
- A student participating in a University of Alaska practicum described under AS 14.40.065;
- A person licensed under AS 08.54 and who is employed by a registered guide or master guide licensed under AS 08.54 for the first 60 workdays so employed during a calendar year;
- An independent taxicab driver who establishes the driving area and hours, who contracts on a flat rate basis for the use of the cab, permit or dispatch services, and who is compensated solely by the customers served;
- Solely as a watchman or caretaker on premises out of operation for longer than four months;
- In delivery of newspapers to the consumer;
- In the search for placer or hard rock minerals;
- An individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational or educational organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program);
- By a nonprofit educational or child care facility to serve in place of a parent of children in residence if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than \$10,000 for an unmarried person; or \$15,000 for a married couple.

**Note:** This is not a complete list of exemptions to minimum wage and overtime provisions. Refer to AS 23.10.055 and AS 23.10.060. The above text is intended for informational purposes only and is not to be construed as having the effect of law. Inquires should be made to: Wage and Hour, Alaska Department of Labor and Workforce Development, 1251 Muldoon Road, Suite 113, Anchorage, AK 99504 Phone: (907) 269-4900, Email: [statewide.wagehour@alaska.gov](mailto:statewide.wagehour@alaska.gov).

### RECORDKEEPING

An employer shall keep for a period of at least three years all payroll information and records for each employee at the place of employment.

***Post in a Prominent Place***

**ALASKA DEPARTMENT OF LABOR  
& WORKFORCE DEVELOPMENT**



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## CHILD LABOR LAW

### SUMMARY OF ALASKA | CHILD LABOR LAW

**HOURS OF WORK RESTRICTIONS: NO MINOR UNDER 18 MAY WORK MORE THAN 6 DAYS IN ANY WORK WEEK**

#### **ALASKA YOUTH UNDER THE AGE OF 14 MAY WORK ONLY IN THE FOLLOWING OCCUPATIONS:**

1. Newspaper sales and delivery.
2. Baby-sitting, handiwork and domestic employment in or about private homes.
3. The entertainment industry, with an approved work permit from the Alaska Wage and Hour Administration.

#### **14 & 15 YEAR OLDS:**

##### **WHEN SCHOOL IS IN SESSION.**

Hours will be limited to a total of nine hours of school attendance plus employment in any one day; work will be performed only between the hours of 5 a.m. and 9 p.m. and total hours worked will be limited to 23 in any week.

##### **DURING SCHOOL VACATIONS.**

Work hours will be limited to 40 hours per week between the hours of 5 a.m. and 9 p.m.

#### **MINORS 17 AND UNDER CANNOT BE EMPLOYED IN:**

- |  |   |
|--|---|
| 1. Occupations in manufacturing, handling or use of explosives.                                    | 11. Occupations involved in the operation of power-driven paper products machines.  |
| 2. Occupations of motor vehicle driver or helper (some limited restrictions).                      | 12. Occupations involved in the manufacture of brick, tile and kindred products.  |
| 3. Mining operations including coal.   | 13. Occupations involved in the operation and cleaning of circular saws, band saws, and guillotine shears.                                |
| 4. Logging or occupations in the operations of any sawmill, lathe mill, shingle mill or cooperage. | 14. Occupations involved in wrecking, demolition and shipwrecking operations.   |
| 5. Operation of power-driven woodworking machines.   | 15. Occupations involved in roofing operations.   |
| 6. Occupations with exposure to radioactive substances and to ionizing radiation.                  | 16. Occupations involved with excavation operations.  |
| 7. Operation of elevators or other power-driven hoisting apparatus.                                | 17. Electrical work with voltages exceeding 220, or outside erection or repair and meter testing including telegraph and telephone lines. |
| 8. Operation of power-driven metal forming, punching and shearing machines.                        | 18. Occupations involving exposure to bloodborne pathogens.   |
| 9. Occupations involving slaughtering, meat packing, processing or rendering.                      | 19. Occupations involved in canvassing, peddling, solicitation of door-to-door contributions, or acting as an outside salesman.           |
| 10. Occupations involved in the operation and cleaning of power-driven bakery machines.            |   |

#### **ADDITIONAL RESTRICTIONS FOR 14 & 15 YEAR OLDS:**

- |  |   |
|--|---|
| 1. Occupations in manufacturing, mining or processing, including workrooms or places where goods are manufactured, mined or otherwise processed. | 9. Occupations that involve working from windowsills, ladders, scaffolds or their substitutes.                          |
| 2. Occupations involved in operation of power-driven machinery other than office machines.   | 10. Occupations handling or operation of power-driven food slicers, grinders, choppers, cutters and bakery type mixers. |
| 3. Occupations in construction (including demolition and repair) except office work.   | 11. Work in freezers, meat coolers, or preparation of meat for sale.  |
| 4. Any work in an establishment that serves alcoholic beverages.   | 12. Loading/unloading to or from trucks, railroad cars or conveyers.  |
| 5. Public messenger service.   | 13. Occupations in warehouses and storage except office and clerical work.  |
| 6. Occupations in or about canneries, except office work.  | 14. Occupations involving use of sharpened tools.   |
| 7. Work performed in or about boilers, engine rooms or retorts.  | 15. Occupations in transportation of persons or property except office or sales work.                                   |
| 8. Work involved with maintenance or repair of the establishment's machines or equipment.  |   |



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## CHILD LABOR LAW (CONT.)

### **BREAKS:**

A minor under 18 years of age who is scheduled to work six consecutive hours is entitled to a 30-minute break during the workday.

A minor under 18 who works five consecutive hours is entitled to a 30-minute break before continuing to work.

### **ALCOHOL:**

All minors 16 and under must have a work permit on file with the Department. If the employer has a restaurant designation and is licensed to sell alcohol, then all minors 17 years of age must also have an approved work permit.

### **TOBACCO & PULL-TABS:**

AS 11.76.106 restricts access to areas where tobacco and tobacco products are sold. Minors under 19 may not sell tobacco or tobacco products in the course of their employment. 15 AAC 160.480(b) prohibits the sale of pull-tabs by anyone under the age of 21.

### **MARIJUANA & CANNABIS INDUSTRY:**

AS 17.38.070 restricts the employment of persons under the age of 21 from working in any and all branches of the cannabis/marijuana industry, including but not limited to planting, cultivating, harvesting, processing, packaging, transporting or selling.

**FEDERAL STATUTES ARE IN SOME CASES STRICTER THAN STATE STATUTES**  
FOR FEDERAL INFORMATION, CONTACT THE U. S. DEPARTMENT OF LABOR AT 1-866-487-9243

### **FOR FURTHER INFORMATION CONTACT: ALASKA WAGE & HOUR ADMINISTRATION**

1251 Muldoon  
Road, Suite 113  
Anchorage, AK 99504  
(907) 269-4900

1111 W. 8<sup>th</sup> Street,  
Suite 302  
Juneau, AK 99802-  
1149  
(907) 465-4842

675 7<sup>th</sup> Avenue,  
Station J-1  
Fairbanks, AK 99701  
(907) 451-2886

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## NO SMOKING

# SMOKING **PROHIBITED** BY LAW

INCLUDING VAPING



## FINE **\$50**

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**SMOKEFREE.ALASKA.GOV**

AS 18.35.301



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## SAFETY AND HEALTH PROTECTION ON THE JOB

**ALASKA LAW AS 18.60.010 to .105 – provides safety and health protection for workers through promotion of safe and healthful working conditions throughout the State. Requirements of the law include the following:**

**EMPLOYERS:**

Each employer shall furnish to each of their employees, employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to their employees; and shall comply with occupational safety and health standards issued under the law.

**EMPLOYEES:**

Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the law that apply to his own actions and conduct on the job.

The Alaska Department of Labor and Workforce Development has the primary responsibility for administering the law. It issues occupational safety and health standards and its Compliance Officers conduct job site inspections to ensure compliance with the law.

**INSPECTION:**

The law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Pursuant to AS 18.60.087, time spent by an employee aiding the inspection shall be considered as time worked, and the employee shall be compensated accordingly.

Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

**COMPLIANCE COMPLAINT:**

Employees or their representatives have the right to file a complaint in writing with the nearest Alaska Department of Labor and Workforce Development office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Their names will be withheld upon request.

Employees and their representatives have a right to call an inspector's attention to possible violations in writing or orally.

The law 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 law.

**DISCRIMINATION COMPLAINT:**

Pursuant to AS 18.60.089, an employee may not be discharged or discriminated against because they filed a complaint, instituted, or caused to be instituted a proceeding related to the enforcement of occupational safety and health standards, or has testified or is expected to testify in a proceeding relating to occupational safety and health. An employee who believes they have been discriminated against may file a complaint with the nearest OSHA and/or Alaska Occupational Safety and Health office within 30 days of the alleged discrimination.

**CITATION:**

If upon inspection, the Compliance Officer believes an employer has violated the law, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

The citation must be prominently displayed at or near the place of alleged violation for five days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

**PROPOSED PENALTY:**

The law provides for mandatory penalties against employers of up to \$15,625.00 for each serious violation and for optional penalties of up to \$15,625.00 for any other violations. Penalties of up to \$15,625.00 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the law may be assessed penalties of up to \$156,259.00 for each violation.

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





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## SAFETY AND HEALTH PROTECTION ON THE JOB (CONT.)

### VOLUNTARY ACTIVITY:

While providing penalties for violations, the law also encourages efforts by labor and management, before an inspection, to reduce injuries and illnesses arising out of employment.

The Alaska Department of Labor and Workforce Development encourages employers and employees to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries.

Such cooperative action would initially focus on the identification and elimination of hazards that could cause death, injury, or illness to employees and supervisors. Upon request from an employer, the Alaska Department of Labor and Workforce Development will furnish a consultant who will inspect the premises and identify hazards without assessing penalties.

### MORE INFORMATION:

Additional information, copies of the law, specific safety and health standards, and other regulations may be obtained from the Alaska Department of Labor and Workforce Development, Division of Labor Standards & Safety, Alaska Occupational Safety and Health at the addresses shown at the bottom of this page.

### PROGRAM COMPLAINT:

Under a plan approved July 31, 1973 by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Alaska is providing job safety and health protection for workers throughout the State. 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 U.S. Department of Labor, OSHA, Region X, 300 Fifth Avenue, Suite 1280, Seattle, WA 98104 or call (206) 757-6700.

## IT'S YOUR RIGHT TO KNOW

### ABOUT TOXIC AND HAZARDOUS SUBSTANCES AND PHYSICAL AGENTS

AS 18.60.068 requires this information be displayed in a prominent place on business premises.

- Employers must inform employees about the locations and nature of operations, which could result in exposure to toxic or hazardous substances or physical agents.
- Employers must train employees in the health effects of the toxic or hazardous substances and physical agents to which they are exposed and in the purpose, proper use, and limitations of personal protective equipment.
- Employers must keep on file and make available during the work-shift, Safety Data Sheets (SDS) for each toxic or hazardous substance or physical agent to which employees may be exposed. Employers must remove employees from exposure to the substance or physical agent if an SDS cannot be obtained and provided to employees within 15 calendar days of a request.

The Alaska Department of Labor and Workforce Development will provide assistance to employers in the form of SDS program development aids, on-site program review, and safety seminars.

For more information, employers, employees and concerned citizens may contact the Alaska Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health, <http://www.labor.state.ak.us/lss/oshhome.htm>.

#### ◆ Consultation & Training 1-800-656-4972

1111 W. 8<sup>th</sup> Street, Suite 304  
P.O. Box 111149  
Juneau, AK 99811-1149  
(907) 465-4855

#### ◆ Enforcement 1-800-770-4940

1251 Muldoon Road, Suite 109  
Anchorage, AK 99504  
(907) 269-4940

#### ◆ 24-hour OSHA hotline 1-800-321-6742

675 7<sup>th</sup> Avenue, Station J-1  
Fairbanks, AK 99701-4596  
(907) 451-2890  
(907) 451-2888

AS 18.60.058 (a) requires employers to notify either AKOSH or OSHA within eight hours of an in-patient hospitalization, loss of an eye, amputation, or fatality. AKOSH 1-800-770-4940 or OSHA 1-800-321-6742



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## UNEMPLOYMENT INSURANCE (UI)

### NOTICE TO EMPLOYEES

As an employee of this company, you are covered by Unemployment Insurance (UI). The UI program is administered by the Division of Employment and Training Services of the Alaska Department of Labor and Workforce Development.

**The purpose of UI is to provide partial replacement of wages between jobs.** If a business has to reduce wages or hours, or temporarily lay off workers, UI gives workers financial security and temporary buying power so that they can remain in the community. This, in turn, helps employers keep their trained work force. UI payments protect the economy in Alaska's communities until unemployed workers are reemployed. UI helps to reduce the family and community problems caused by layoffs or a lack of jobs.

**You and your employer both pay your UI premiums (taxes).** You pay about 27 percent and your employer pays 73 percent. Generally speaking, if you receive one week of UI benefits, you receive as much or more than you paid into the program for the year. Your employer may withhold from your earnings the employee portion of the UI tax. Wages in excess of the maximum annual taxable wage set for the calendar year are non-taxable. Current and past years' maximum annual taxable wage base and the employee portion of the UI tax rates are posted on the Employment Security Tax Website at: [labor.alaska.gov/estax/faq/w1.htm](http://labor.alaska.gov/estax/faq/w1.htm).

**As with any insurance, you must meet certain qualifications to be eligible for benefits.** You must have earned wages in jobs that are covered by the law, file your claim for UI, and register for work with the Alaska Employment Service or your union. You must also be ready, willing and able to accept suitable work. If you quit or are fired from your last job, or if anything is keeping you from accepting full-time work, you may not immediately be eligible for benefits.

To file a **NEW** claim or **REOPEN** an existing Alaska claim for UI benefits on the Internet, go to [labor.alaska.gov](http://labor.alaska.gov) and click on "File Unemployment Benefits Online."

To file for UI by telephone and for all other UI assistance, contact your local UI claim center. The phone numbers are listed below. If you do not reside in one of the cities below, use the toll free number.

**Anchorage:** (907) 269-4700  
**Fairbanks:** (907) 451-2871

**Juneau/outside Alaska:** (907) 465-5552  
**All other areas in Alaska:** (888) 252-2557

The toll-free telephone number to connect to Alaska Relay is (800) 770-8973 or voice (800) 770-8255.

**You may be entitled to a refund of excess employee contributions** to the UI Trust Fund if you had two or more employers in a calendar year, your withholdings exceeded the maximum annual employee tax, and your overpayment is \$5 or greater. For the year you are claiming a refund, the filing deadline for your application is Dec. 31 of the following calendar year. (If you had more than the legal maximum employee deduction withheld by any one employer, your employer is responsible for refunding this excess deduction to you.) To obtain an Employee Application for Refund, write the Alaska Department of Labor and Workforce Development, **P.O. Box 115509, Juneau, AK 99811-5509** or email Tax at: [esd.tax@alaska.gov](mailto:esd.tax@alaska.gov) or download the form at: [labor.alaska.gov/estax/forms/toc\\_forms.htm](http://labor.alaska.gov/estax/forms/toc_forms.htm).

We are an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

**ALASKA DEPARTMENT OF LABOR  
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Alaska employers are required by law to post this notice.





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## SEXUAL HARASSMENT

**UNDER THE ALASKA HUMAN RIGHTS LAW (AS 18.80.220) AND TITLE VII OF THE FEDERAL CIVIL RIGHTS ACT, SEXUAL HARASSMENT IS ILLEGAL.**

**IF YOU HAVE EXPERIENCED:**

- Unwelcome sexual advances;
- Requests for sexual favors; or
- Sexual comments or conduct that interferes with your work or creates a hostile work environment; or
- Your employer has made decisions about your job based on whether you accepted or rejected sexual advances, comments, or conduct,

*YOU MAY BE THE VICTIM OF SEXUAL HARASSMENT.*

**IF YOU BELIEVE YOU MAY HAVE BEEN SEXUALLY HARASSED, CONTACT THE ALASKA HUMAN RIGHTS COMMISSION.  
STATUTES OF LIMITATIONS APPLY.**

*RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS UNLAWFUL.*

It is illegal for your employer to fire you or to take other actions against you because you report or oppose sexual harassment.

**Alaska State Commission for Human Rights**

**800 A Street, Suite 204**

**Anchorage, AK 99501**

Toll Free: (800) 478-4692

In Anchorage: 274-4692

<https://humanrights.alaska.gov/>



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## EMERGENCY INFORMATION

Doctor \_\_\_\_\_

Ambulance \_\_\_\_\_

Hospital \_\_\_\_\_

Police \_\_\_\_\_

Fire Dept. \_\_\_\_\_

Other \_\_\_\_\_

All fatalities or injuries resulting in hospitalization must be reported immediately (within 8 hours) to the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety at 1-800-770-4940 or to the OSHA 24-hour hot line at 1-800-321-6742.  
(AS 18.60.058(a))

1111 W. 8<sup>th</sup> Street, Suite 304  
P. O. Box 111149  
Juneau, AK 99811-1149  
Phone: (907) 465-4855

1251 Muldoon Road, Suite 109  
Anchorage, AK 99504  
Phone: (907) 269-4940

675 7<sup>th</sup> Avenue, Station J-1  
Fairbanks, AK 99701-4596  
Phone (907) 451-2890

**ALASKA DEPARTMENT OF LABOR  
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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](http://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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## 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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## 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

[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)



# 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](http://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](http://www.eeoc.gov/field-office))
- E-Mail** [info@eeoc.gov](mailto: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.



# 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](https://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.



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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](http://www.osha.gov)**