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### **EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW**

#### **EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW**

PRIVATE EMPLOYERS, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, **EMPLOYMENT AGENCIES AND LABOR ORGANIZATIONS** 

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil GENETICS Title II of the Genetic Information Nondiscrimination Act of Rights Act of 1964, as amended, protects applicants and employees from 2008 protects applicants and employees from discrimination based on discrimination in hiring, promotion, discharge, pay, fringe benefits, job genetic information in hiring, promotion, discharge, pay, fringe benefits, training, classification, referral, and other aspects of employment, on the job training, classification, referral, and other aspects of employment. basis of race, color, religion, sex (including pregnancy), or national origin. GINA also restricts employers' acquisition of genetic information and Religious discrimination includes failing to reasonably accommodate an strictly limits disclosure of genetic information. Genetic information employee's religious practices where the accommodation does not impose includes information about genetic tests of applicants, employees, or their

**DISABILITY** Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis services by applicants, employees, or their family members. of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the participates in a discrimination proceeding, or otherwise opposes an known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. AGE The Age Discrimination in Employment Act of 1967, as amended, based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. SEX (WAGES) In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal

same establishment.

family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic **RETALIATION** All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination,

unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To protects applicants and employees 40 years of age or older from discrimination preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc. gov or in most telephone directories in the U.S. Government or Federal skill, effort, and responsibility, under similar working conditions, in the Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

disabilities at all levels of employment, including the executive level. employment discrimination 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. and employees from discrimination based on inquiring about, disclosing,

action to employ and advance in employment qualified individuals with Government, Department of Labor.

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 PAY SECRECY Executive Order 11246, as amended, protects applicants three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. or discussing their compensation or the compensation of other applicants **RETALIATION** Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of or otherwise opposes discrimination under these Federal laws. Any 1973, as amended, protects qualified individuals with disabilities from person who believes a contractor has violated its nondiscrimination or discrimination in hiring, promotion, discharge, pay, fringe benefits, job affirmative action obligations under the authorities above should contact training, classification, referral, and other aspects of employment. Disability immediately: The Office of Federal Contract Compliance Programs (OFCCP), discrimination includes not making reasonable accommodation to the U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. known physical or mental limitations of an otherwise qualified individual with 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also a disability who is an applicant or employee, barring undue hardship to the be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP employer. Section 503 also requires that Federal contractors take affirmative regional or district office, listed in most telephone directories under U.S.

**PROTECTED VETERANS** The Vietnam Era Veterans' Readjustment Assistance

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

## PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**RACE, COLOR, NATIONAL ORIGIN, SEX** In addition to the protections of Federal financial assistance. the primary objective of the financial assistance is provision of the basis of sex in educational programs or activities which receive contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act race, color or national origin in programs or activities receiving Federal disability in any program or activity which receives Federal financial financial assistance. Employment discrimination is covered by Title VI if assistance. Discrimination is prohibited in all aspects of employment employment, or where employment discrimination causes or may cause accommodation, can perform the essential functions of the job. If you discrimination in providing services under such programs. Title IX of the believe you have been discriminated against in a program of any institution Education Amendments of 1972 prohibits employment discrimination on which receives Federal financial assistance, you should immediately

Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

## **UNEMPLOYMENT INSURANCE**

# **NOTICE TO EMPLOYERS RE: UNEMPLOYMENT INSURANCE**

"Every employer must post and maintain a printed notice provided by the department showing that the employer is subject to Montana unemployment insurance law, and has been registered by the department. This notice must be posted in conspicuous places near the locations where services are performed." (Mont. Admin. Code, Sec. 24.11.705)

> Montana Department of Revenue P.O. Box 6339 Helena, MT 59604-6339

**Customer Service Center** (406) 444-6900

## MINIMUM WAGE



**MONTANA'S MINIMUM WAGE** (Effective 1/1/2022)

# \$9.20\*

\*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. However, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS ALLOWED IN THE STATE OF MONTANA

Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana's minimum wage.

Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1½ times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by

## **PAYMENT OF WAGES**

WHILE STILL EMPLOYED: An employee must be paid within 10 business days after the end of the pay period. WHEN SEPARATED FROM EMPLOYMENT: When an employee quits, wages are due on the next scheduled pay day for the period in which the employee was separated, or 15 calendar days, whichever occurs first.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

**DEPARTMENT OF LABOR & INDUSTRY COMPLIANCE & INVESTIGATIONS BUREAU** PO BOX 201503 **HELENA MT 59620-1503** PHONE (406) 444-6543

**EMAIL: DLIERDWage@mt.gov** 

Please visit us on the web at: www.mtwagehourbopa.com

## **EMPLOYEE POLYGRAPH PROTECTION ACT**

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

screening or during the course of employment. 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 securityrelated 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

The Employee Polygraph Protection Act prohibits most private economic loss to the employer. The law does not preempt any provision of **employers from using lie detector tests either for pre-employment** any State or local law or any collective bargaining agreement which is

more restrictive with respect to lie detector tests. **PROHIBITIONS** Employers are generally prohibited from requiring or **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject requesting any employee or job applicant to take a lie detector test, and to numerous strict standards concerning the conduct and length of the from discharging, disciplining, or discriminating against an employee or test. Examinees have a number of specific rights, including the right to a prospective employee for refusing to take a test or for exercising other 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.** 



**WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR **1-866-487-9243** TTY: 1-877-889-5627



**≅WH₹** 

# FEDERAL MINIMUM WAGE

**EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT** 

# FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees recommend criminal prosecution. Employers may be assessed civil money

can readily see it. **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours

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

worked over 40 in a workweek.

**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. **NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk

for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or

penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. 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

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. WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

**1-866-487-9243** TTY: 1-877-889-5627 www.dol.gov/whd

DISCRIMINATION

## MONTANA LAW PROHIBITS Montana Department of LABOR & INDUSTRY **DISCRIMINATION & RETALIATION**

in employment, housing, education, publicaccommodations, credit, finance, insurance, & state / local government.

Discrimination is unlawful if based on one of these protected classes:

**PHYSICAL DISABILITY** 

**ANY AGE RACE / COLOR** 

**RELIGION/CREED** 

NATIONAL ORIGIN

**VACCINATION STATUS** 

FOR MORE INFO CONTACT THE MONTANA HUMAN RIGHTS BUREAU

**MARITAL STATUS** 

**FAMILIAL STATUS** 

IN HOUSING

**MENTAL DISABILITY** 

(INCLUDING PREGNANCY, SEXUALORIENTATION, & GENDER IDENTITY)

**POLITICAL BELIEFS** IN GOVERNMENTAL SERVICES ORGOVERNMENT EMPLOYMENT

P.O. BOX 1728, HELENA, MT 59624-1728 (406) 444-2884 OR 1 (800) 542-0807 (RELAY SERVICE 711)

PAYDAY NOTICE

**Regular Paydays for Employees of** 

(Company Name) Shall be as follows:

Bi-Weekly

## WITHHOLDING STATUS

#### YOU MAY NEED TO CHECK YOUR WITHHOLDING See your employer for a copy of Form W-4 or call the

Since you last filed form W-4 with your employer

Your family wage income (you or your spouse started

you filed your last return, you may need to file a new

Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to... Your nonwage income (interest, dividends, capital

or ended a job)? Your itemized deductions? Your tax credits? If you can answer "YES"... To any of these questions or you owed extra tax when

IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site. Employer: Please post or publish this Bulletin Board

Poster so that your employees will see it. Please

indicate where they can get forms and information on this subject. Publication 213 (Rev. 8-2009) Cat. No. 11047P



Internal Revenue Service www.irs.gov

## **WORKERS' COMPENSATION**

# **NOTICE TO EMPLOYERS RE: WORKERS' COMPENSATION**

Each employer shall post a sign in the workplace at the locations where notices to employees are normally posted, informing employees about the employer's current provision of workers' compensation insurance.

The sign must be provided by the department, distributed through insurers or directly by the department, and posted by employers in accordance with rules adopted by the department.

> To obtain this form, please contact Workers' Compensation Regulation Bureau 1805 Prospect Avenue P.O. Box 8011, Helena, MT 59624-8011 (406) 444-0564

## DISABILITY PAID AT SPECIAL MINIMUM WAGE

## **NOTICE TO WORKERS WITH DISABILITIES** PAID AT SPECIAL MINIMUM WAGES

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 \$4.75 per hour beginning October 1, 1996 and \$5.15 per hour beginning September 1, 1997. 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 non-disabled workers 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 productivity 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; non-attendance at school; juvenile delinquency; and correctional parole or probation.

#### **Key Elements of Commensurate Wage Rates Non-disabled worker standard**—The objective gauge (usually a time study of the production of workers

who are not disabled 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 are not disabled 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 (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 every six months and a new prevailing wage survey must be conducted at least once every twelve months.

## 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.

Minors younger than 18 years old 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.

#### 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 quardian 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.

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. Complaints or questions regarding the terms and conditions of employment under a certificate may be directed to the Wage and Hour Division office nearest you — listed in your telephone directory under United States Government, Labor.

> U.S. Department of Labor WH Publication 1284 Employment Standards Administration Revised October 1996 Wage and Hour Division Washington, D.C. 20210

## FMLA - FAMILY AND MEDICAL LEAVE ACT

#### EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**LEAVE ENTITLEMENTS** Eligible employees who work for a \*Special "hours of service" requirements apply to airline flight covered employer can take up to 12 weeks of unpaid, job- crew employees.

child's birth or placement); To care for the employee's spouse, child, or parent who has a Employees do not have to share a medical diagnosis, but must qualifying serious health condition;

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child,

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of

accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. **BENEFITS & PROTECTIONS** While employees are on FMLA

leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. **ELIGIBILITY REQUIREMENTS** An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months;

Have at least 1,250 hours of service in the 12 months before taking leave;\* and · Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

protected leave in a 12-month period for the following reasons: REQUESTING LEAVE Generally, employees must give 30-days' The birth of a child or placement of a child for adoption or advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as To bond with a child (leave must be taken within 1 year of the soon as possible and, generally, follow the employer's usual

procedures. provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization

which FMLA leave was previously taken or certified. FMLA leave in a single 12-month period to care for Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

or continuing medical treatment is necessary. Employees must

inform the employer if the need for leave is for a reason for

**EMPLOYER RESPONSIBILITIES** Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as **ENFORCEMENT** Employees may file a complaint with the U.S.

Department of Labor, Wage and Hour Division, or may bring a An employer may not interfere with an individual's FMLA rights private lawsuit against an employer. 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.

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 Divisio

For additional information or to file a complaint:

#### NO SMOKING NOTICE

**SMOKEFREE MONTANA** 

including the use of marijuana, in this establisment. Montana Clean Indoor Air Act, Title 50, Chapter 40.

Montana law prohibits smoking,

For more information or to report a violation call or visit us online.

> 1.866.787.5247 tobaccofree.mt.gov

## It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s)

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact

**ANTI-DISCRIMINATION NOTICE** 

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

## **USERRA - 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.

YOUR RIGHTS UNDER USERRA

after conclusion of service; and

MONTANA TOBACCO USE PREVENTION PROGRAM

PublicHealth

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

discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service;

not deny you: • initial employment; • reemployment; • retention in

employment; • promotion; or • any benefit of employment, because 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

have applied for membership in the uniformed service; or • are

obligated to serve in the uniformed service; then an employer may

#### **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

• 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 you have not been separated from service with a disqualifying exclusions) except for service-connected illnesses or injuries.

coverage for you and your dependents for up to 24 months while

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints • 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

http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm. IfyoufileacomplaintwithVETSandVETSisunabletoresolveit, yournay  $request that your case be {\it referred} to the Department of Justice or the$ 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.

notices for employees.

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: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT



if that person has no service connection.

# **Job Safety and Health**

## All workers have the right to:

A safe workplace.

 Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.

 Receive information and training on job hazards, including all hazardous substances in your workplace.

 Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.

Participate (or have your representative

days (by phone, online or by mail) if you

participate) in an OSHA inspection and speak in private to the inspector. File a complaint with OSHA within 30

have been retaliated against for using your 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.

This poster is available free from OSHA.

Contact OSHA. We can help.

# their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place

# IT'S THE LAW!

## **Employers must:**

illness.

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

> Comply with all applicable OSHA standards. Notify OSHA within 8 hours of a

Provide employees a workplace free from

OSHA, or reporting a work-related injury or

amputation, or loss of an eye. Provide required training to all workers in a language and vocabulary they can understand.

workplace fatality or within 24 hours of

any work-related inpatient hospitalization,

 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 OSHAsupported consultation programs in every state.



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

MT-0921-F02