

## Required Job Site Poster Checklist

### State of Maine Required Posters

- 1. Minimum Wage 12/16
- 2. Whistleblower's Protection Act 7/12
- 3. Workers' Compensation (WCB-90) 1/13
- 4. Occupational Safety & Health Regulations 7/12
- 5. Child Labor Laws 3/14
- 6. Regulations of Employment 7/12
- 7. Sexual Harassment Poster 10/12
- 8. Maine Equal Pay Law 6/07
- 9. Maine Employment Security Act 12-16
- 10. Domestic Violence in the Workplace Poster (Optional)
- 11. State Wage Determination (on State Funded Projects Only)

### Federal Government Required Posters

- 12. Equal Employment Opportunity It's the Law (OFCCP 1420) 11/09
- 13. Fair Labor Standards Act – Federal Minimum Wage (WHD-1088) 7/09
- 14. Employee Rights on Government Contracts (WHD-1313) 4/09
- 15. Family and Medical Leave Act (WH-1420) 2/13
- 16. Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284) 7/09
- 17. Employee Polygraph Protection Act (WH1462) 1/16
- 18. Uniformed Services Employment and Reemployment Rights Act (USERRA) 10/08
- 19. Employee Rights Under the Davis Bacon Act (WH-1321) 4/09
- 20. NOTICE – Federal Aid Projects (FHWA-1022) 5-2015
- 21. Job Safety and Health - It's the Law (OSHA 3165) Replaces OSHA-2203
- 22. Federal Wage Decision & Additional Project Specific Rates
- 23. Contractor's EEO Policy Statement with EEO Officer's name and contact information

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

**State**

**1**  
Minimum Wage

**2**  
Whistleblower Protection Act

**3**  
Workers' Compensation (WCB-90)

**4**  
Occupational Safety & Health Regulations

**5**  
Child Labor Laws

**6**  
Regulations of Employment

**7**  
Sexual Harassment Poster

**8**  
Maine Equal Pay Law

**9**  
Maine Employment Security Act

**10**  
**OPTIONAL**  
Domestic Violence in the Workplace Poster

**11**  
State funded projects should **NOT** include Federal Posters. Federally funded projects **MUST** include both.

**Federal (Requires State Posters)**

**12**  
Equal Employment Opportunity: It's the Law (OFCCP 1420)

**13**  
Fair Labor Standards Act – Federal Minimum Wage (WHD-1088)

**14**  
Employee Rights on Government Contracts (WHD-1313) Page 1

**WHD -1313**  
Page 2

**OPTIONAL**  
Welcome Free Interpreter Services

**15**  
Family and Medical Leave Act (WH-1420)

**16**  
Notice to Workers with Disabilities Paid at Special Minimum Wages (WH-1284)

**17**  
Employee Polygraph Protection Act (WH1462)

**18**  
Uniformed Services Employment and Re-employment Rights Act (USERRA)

**OPTIONAL**  
Employee Rights Under the National Labor Relations Act

**19**  
Notice to Employees - Davis Bacon Act (WH-1321)

**20**  
NOTICE – Federal Aid Projects (FHWA-1022)

**21**  
Job Safety and Health - It's the Law (OSHA 3165)

**OPTIONAL**  
Department of Treasury IRS Notice 797

**22**  
General Decision & Additional Project Specific Rates

**23**  
Contractor's EEO Policy Statement with EEO Officer's name and contact information

# Minimum Wage



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



**Maine Law (Title 26 M.R.S.A. § 668) requires every employer to place this poster in the workplace where workers can easily see it.**

This poster is provided at no cost by the Maine Department of Labor and may be copied.

## Minimum Wage is \$9.00 per hour effective January 7, 2017

### Minimum Wage

Under Maine labor laws, any business operating in the state with one employee is automatically covered by state law. This includes all public and private employers regardless of profit or size. Effective January 7, 2017, the minimum wage in Maine is \$9 per hour.

### Municipal Minimum Wage Ordinances

Employers with employees who work in Bangor and/or Portland or any other municipality that passes a local minimum wage ordinance, may be subject to additional regulations and should check with municipal officials.

### Service Employee

A service employee is someone who regularly receives more than \$30 a month in tips. As of January 7, 2017, employers must pay a direct wage of at least \$5 per hour to service employees. If the employee's direct wage combined with earned tips do not average, on a weekly basis, the state required minimum wage, the employer must pay the difference.

### Overtime

Unless specifically exempted, employees must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. Employers have the right to allow or deny overtime, but if overtime is worked, it must be paid in accordance with state requirements. Compensatory or "comp" time cannot be used by private-sector employers, although private-sector employers can allow employees to flex their time within the work week (but not the pay period if the pay period is longer than a seven day cycle in the work week).

### For more information, contact:

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045  
**Telephone: 207-623-7900**  
TTY users call Maine Relay 711.  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)  
Email: [mdol@maine.gov](mailto:mdol@maine.gov)

### Exemptions from Overtime

Maine statutes incorporate by reference the salary requirements under the Fair Labor Standards Act (FLSA). The new minimum salary requirement will be \$519.24 per week. Salary is only one factor in determining whether a worker is exempt from overtime under federal or state law. The duties of each worker must be considered as part of this analysis. Failure to adhere to both requirements—meeting the duties test and the weekly salary threshold—will result in violations of both federal or state law or of one jurisdiction or the other depending on the discrepancies in the laws.

### Statements to Employees

Every employer shall give to each employee with the payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

### Recordkeeping

Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

The Department of Labor enforces state wage and hour laws. Employers with questions about the law may call 207-623-7900 or may visit the department's webpage.

### Minimum Wage Guidance

[http://www.maine.gov/labor/labor\\_laws/minimum\\_wage\\_faq.html](http://www.maine.gov/labor/labor_laws/minimum_wage_faq.html)

<http://legislature.maine.gov/statutes/26/title26sec664.html>

### Overtime Guidance

[http://www.maine.gov/labor/labor\\_laws/overtime.html](http://www.maine.gov/labor/labor_laws/overtime.html)

<http://legislature.maine.gov/statutes/26/title26sec664.html>

**\*Note:** Maine employers may also be covered under the federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.

# Maine Employment Security Law

**MAINE**  
DEPARTMENT OF  
**LABOR**

Bureau of Unemployment Compensation

This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It does not have the force or effect of law. For more information, call 1-800-593-7660 toll free.



Maine Law (Title 26 M.R.S.A. § 668) requires every employer to place this poster in the workplace where workers can easily see it.

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## Full- and Part-Time Workers

### How to file a claim for unemployment benefits

All new and reactivated claims for unemployment benefits are filed either online, telephone or by mail. **Do not delay in filing your claim once you are out of work.**

**Claims cannot be backdated.**

When filing, you will need to know your Social Security Number. Also, you should have the names and addresses of all employers for whom you worked, and your dates of employment in the last 18 months.

#### To file online: [www.file4ui.com](http://www.file4ui.com)

This is the fastest, easiest way to file.

#### To file by phone: 1-800-593-7660

**TTY Users Call Maine Relay 711.**

All individuals filing for Unemployment Insurance benefits are required by law to be registered with the Maine JobLink. Visit [www.mainecareercenter.gov](http://www.mainecareercenter.gov) to access Maine JobLink.

We provide **language interpreter services** in approximately 140 commonly spoken languages. Arrangements will be made to have an interpreter assist you when you call the Unemployment Claims Center.

**To claim by mail:** In some cases, your employer will give you a claim form. Mail your initial claim form to your nearest Unemployment Claims Center listed below.

### Maine Department of Labor Bureau of Unemployment Compensation

97 State House Station, Augusta, ME 04333-0097

P. O. Box 450, Bangor, ME 04402-0450

P. O. Box 1088, Presque Isle, ME 04769-1088

### Basic eligibility requirements

**Earnings during the base period:** The "base period" is a one-year period that includes four calendar quarters. To establish a claim, an individual must have earned two times the annual average weekly wage in Maine in each of two different calendar quarters, and a total of six times the annual, average, weekly wage in Maine in the whole base period. In most cases, the Department of Labor has your wage information on file. If it is not on file, the Department will take steps to obtain it.

**Separation:** If you were laid off from your last job due to a lack of work, no additional investigation is required. If you separated from your last job for reasons other than lack of work, you will be scheduled for a fact-finding interview. A determination will then be made regarding your eligibility for benefits.

**Weekly requirements:** Weekly eligibility requirements include being **able to work** and being **available** for work, making an **active search for work** (unless your work search has been "waived"), not refusing offers of suitable work or referral to suitable job opportunities from the CareerCenters.

**Aliens:** If you are not a U.S. Citizen, your Social Security Number and/or your Alien Permit number will be checked with the Department of Homeland Security, Immigration and Naturalization Service.

**Unemployment benefits are taxable:** Unemployment benefits are taxable and have to be reported when you file your income tax forms.

**Child support:** If you owe child support that you pay to the Department of Health and Human Services (DHHS), up to fifty percent (50%) of your unemployment check may be withheld and sent to DHHS.

**Benefits for partial unemployment:** An employer shall issue a properly completed partial unemployment claim form to each employee who is customarily employed full-time and who is given less than full-time hours during a week due to lack of work, and who is not separated from that employer.

# Whistleblower's Protection Act



## Protection of Employees Who Report or Refuse to Commit Illegal Acts



Maine Law (Title 26 M.R.S.A. § 839) requires every employer to place this poster in the workplace where workers can easily see it.

This poster describes some important parts of the law. A copy of the actual law or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards by calling (207) 623-7900. (The laws are also on the Bureau's web site.)

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### It is illegal for your boss to fire you, threaten you, retaliate against you or treat you differently because:

1. You reported a violation of the law;
2. You are a healthcare worker and you reported a medical error;
3. You reported something that risks someone's health or safety;
4. You have refused to do something that will endanger your life or someone else's life and you have asked your employer to correct it; or
5. You have been involved in an investigation or hearing held by the government.

### You are protected by this law ONLY if:

1. You tell your boss about the problem and allow a reasonable time for it to be corrected; or
2. You have good reason to believe that your boss will not correct the problem.

### To report a violation, unsafe condition or practice or an illegal act in your workplace, contact:

(This information should be filled in by the employer)

(Name)

(Title)

(Location or Phone)

### For more information or to file a complaint under this law, contact:

The Maine Human Rights Commission  
51 State House Station  
Augusta, Maine 04333  
**Tel: (207) 624-6290**  
TTY users call Maine Relay 711  
[www.Maine.gov/mhrc](http://www.Maine.gov/mhrc)

### The following agencies may provide useful information on workplace safety and labor laws:

U.S. Department of Labor  
Wage and Hour Division  
P.O. Box 554  
Portland, Maine 04112  
**Tel: (207) 780-3344**  
[www.dol.gov](http://www.dol.gov)

U.S. Department of Labor/OSHA  
40 Western Avenue  
Augusta, Maine 04330  
**Tel: (207) 626-9160**  
[www.osha.gov](http://www.osha.gov)

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045  
**(207) 623-7900**  
TTY users call Maine Relay 711  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)  
E-mail: [webmaster.bls@maine.gov](mailto:webmaster.bls@maine.gov)



# WORKERS' COMPENSATION

## WORKERS' COMPENSATION BOARD REGIONAL OFFICES

**AUGUSTA**  
24 Stone Street, Suite 102  
Augusta, ME 04330  
207-287-2308  
1-800-400-6854

**LEWISTON**  
36 Mollison Way  
Lewiston, ME 04240-5811  
207-753-7700  
1-800-400-6857

**BANGOR**  
106 Hogan Road, Suite 1  
Bangor, ME 04401  
207-941-4550  
1-800-400-6856

**PORTLAND**  
62 Elm Street  
Portland, ME 04101  
207-822-0840  
1-800-400-6858

**CARIBOU**  
43 Hatch Drive, Suite 110  
Caribou, ME 04736-2347  
207-498-6428  
1-800-400-6855

Visit our website at:  
[www.maine.gov/wcb](http://www.maine.gov/wcb)  
Statewide TTY: Maine Relay 711

## Notice to Employees:

State law requires your employer to provide workers' compensation insurance for its employees. Workers' compensation insurance provides benefits to employees who are injured at work.

If you are injured at work, NOTIFY YOUR EMPLOYER AT ONCE. You may lose your right to receive benefits unless your employer is notified within 30 days of your injury. Your claim is also subject to a two year statute of limitations. Worker advocates are available at the Workers' Compensation Board to help injured workers.

It is against the law for employers to misclassify employees as independent contractors for the purposes of avoiding workers' compensation insurance, unemployment coverage, or other employer paid taxes and withholdings. For more information on laws pertaining to the hiring of independent contractors, visit the Worker Misclassification Task Force website at [www.maine.gov/labor/misclass](http://www.maine.gov/labor/misclass).

If you have any questions about your rights, please contact one of the regional offices.

## A l'intention des Employés:

D'après les lois de l'Etat du Maine, votre employeur est tenu de souscrire à une assurance indemnissant ses employés victimes d'un accident du travail.

Si vous êtes victime d'un accident du travail, PREVEZ VOTRE EMPLOYEUR IMMEDIATEMENT. Passé un délai de 30 jours, vous risquez de perdre vos droits à l'indemnisation. Au-delà de deux ans, votre déclaration n'est plus recevable. Pour aider les victimes d'un accident du travail, le Workers' Compensation Board met des conseillers juridiques à leur disposition.

La loi interdit aux employeurs de classer fallacieusement leurs salariés comme étant des contractants privés aux fins d'échapper à l'assurance compensatrice-employé, aux

indemnités de chômage, ou aux autres charges et retenues dues par employeur. Pour plus de détails sur la législation relative à l'utilisation des services privés, visitez le site internet de Worker Misclassification Task Force (Unité anti-fraude en matière de classification des salariés) : [www.maine.gov/labor/misclass](http://www.maine.gov/labor/misclass).

Si vous n'êtes pas sûr de vos droits, veuillez contacter l'un des bureaux régionaux.

## Aviso a los Trabajadores:

La ley del estado de Maine requiere que su empresario proporcione el seguro de compensaciones para el trabajador a todos los trabajadores. El seguro de compensaciones para el trabajador proporciona beneficios a los trabajadores accidentados en el trabajo.

En caso de sufrir accidente o daño laboral, NOTIFÍQUELO INMEDIAMENTE A SU EMPRESARIO. Podría perder el derecho a recibir compensación a menos que su empresario sea notificado de este accidente o daño en el plazo de 30 días. Así mismo esta reclamación debe hacer referencia a un accidente o daño que no haya ocurrido hace más de dos años. Los defensores del trabajador están disponibles para proporcionar ayuda a los trabajadores accidentados en el Consejo de Administración de Compensaciones para el Trabajador (Workers' Compensation Board).

El hecho de no clasificar a los empleados como contratistas independientes, con el propósito de evitar el seguro por compensación al trabajador, cobertura para desempleados, u otros impuestos pagados y retenidos por el empleador; está en contra de la ley del empleador. Para mayor información acerca de las leyes pertenecientes a la contratación de contratistas independientes, visite el Worker Misclassification Task Force en la página web de [www.maine.gov/labor/misclass](http://www.maine.gov/labor/misclass).

En caso de tener cualquier pregunta sobre sus derechos, favor de dirigirse a una de las oficinas regionales de compensaciones para el trabajador.

ENGLISH	Interpreters Available When calling for assistance, please say the name of your language in English and an interpreter will be called for you. Please stay on the line.	ENGLISH	Tumacze dostępní na zyczenie. Aby uzyskać pomoc tumacze, proszę powiedzieć po angielsku "Polish" i czekać na linií.	VIETNAMESE	"Có Thông Dịch Viên" "Khi gọi điện thoại để được giúp đỡ, xin quý vị hãy nói "VIETNAMESE" để chúng tôi cho thông dịch viên giúp quý vị. Xin quý vị chờ trên đường dây."
SPANISH	Tenemos intérpretes a su disposición Si necesita que le atiendan en español por favor diga "Spanish" y le conectaremos con un intérprete. Por favor manténgase en la línea.	SPANISH	"К вашим услугам имеются переводчики" "Когда Вы обращаетесь за помощью по телефону, пожалуйста скажите, что Вы говорите по-русски (произнесите "РАШН"), и мы обеспечим Вас переводчиком. После этого, пожалуйста, оставайтесь на линии."	ARABIC	مترجمون شهيون متيسرون لخدمتكم عند إتصالكم للمساعدة أو لطلب خدمة معينة نرجو منكم أن تذكروا (أ-ب-ج-ك-ل) ونحن سنقدم لكم مترجما شهييا . ابقوا على الخط من فضلكم.
PORTUGUESE	Temos intérpretes à sua disposição Se precisar de atendimento em Português, por favor diga "Portuguese" e um intérprete será prontamente chamado. Por favor, aguarde na linha.	CHINESE	提供口译服务 打电话请求帮助时，请用英语说“拼音呢斯” (CHINESE) — 我們將為您提供口译人員。請不要挂断電話。	PERSIAN	افراد مترجم در دسترس مي باشند. را که بدان صحبت مي کنيد به انگليسي ذکر کنيد تا راجع به امري به ما تلفن مي کنيد، لطفاً نام زباني قطع نکنيد. هنگاميكه براي درخواست کمک يا شما تماس گرفته شود، لطفاً روي خط منتظر بمانيد. با يك مترجم براي
ITALIAN	Abbiamo interpreti disponibili Se avete bisogno di assistenza in Italiano, Vi preghiamo di dire "Italian" e un interprete sarà messo a Vostra disposizione. Vi preghiamo di rimanere in linea.	JAPANESE	通訳サービスをご利用いただけます 通訳を必要とされる場合は「ジャパニーズ」とおっしゃり、通訳がでるまでそのままお待ちください。	SOMALI	Turjumaano waa la helayaa Marka aad caawinaad inoogu soo yeecanyiisid, fadhlan luqaddaada af Ingiriisi inoogu sheeg turjubaan ayaaluu uugu yeeri doonaaye. Taleefoonkana ha dhigin.
FRENCH	Des interprètes sont à votre disposition Lorsque vous appelez pour demander de l'aide, prononcez le mot "French" et nous mettrons un interprète à votre disposition. Prière de rester en ligne.	KOREAN	한국어 통역을 이용하실 수 있습니다. 도움이 필요하여 전화를 걸실 때 영어로 크리언 (KOREAN)이라고 말씀하시면 통역자를 연결해 드립니다. 전화를 끊지 마시고 기다리십시오.		

**To the employer:** This notice must be posted in a conspicuous place upon your premises accessible to employees. 39-A MRSA §406. The State of Maine does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities.

This poster is available in alternative format. For further assistance, contact the Maine Workers' Compensation Board, ADA Coordinator, telephone: (888) 801-9067 or TTY (877) 832-5525.

# Occupational Safety and Health Regulations for Public Sector Workplaces



*Maine has an Occupational Safety and Health Law that protects state and local government employees from workplace safety and health problems.*



**Public Sector  
employers must  
place this poster  
in the workplace  
where workers can  
easily see it.**

This poster is provided at no cost by the Maine Department of Labor and may be copied.

## How are you protected?

- ✓ Your employer must, by law, keep your workplace safe and healthy for workers.
- ✓ From time to time, safety and health inspectors from the Maine Department of Labor will show up at your workplace to make sure your employer is following Safety and Health Regulations.
- ✓ If you think your workplace is unsafe, you can contact the Maine Department of Labor and ask for an inspection.
- ✓ Employers and employees may go with the inspector on the inspection of your job site.
- ✓ Your employer may be cited and penalized if unsafe or unhealthful conditions are found during an inspection.
- ✓ Your employer must correct unsafe and unhealthful conditions found during an inspection.
- ✓ Employers who repeat safety and health violations or who violate the law on purpose may face fines, civil charges, or criminal charges.
- ✓ You cannot be fired or discriminated against for filing a safety and health complaint.

## Who can you contact to ask for an inspection or ask for safety and health information?

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, ME 04333-0045  
or call: (207) 623-7900  
TTY users call Maine Relay 711  
E-mail: [webmaster.bls@maine.gov](mailto:webmaster.bls@maine.gov)  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)

# Child Labor Laws



Child Labor Laws of the State of Maine provide protection for people under the age of 18 in nonagricultural jobs. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



This poster describes some important parts of the laws. A copy of the actual laws and formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 623-7900. (The laws are also on the Bureau web site.)

**Maine Law (Title 26, M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.**

**This poster is provided at no cost by the Maine Department of Labor and may be copied.**

**14- & 15-year olds** may work in most businesses, except in most jobs in manufacturing, mechanical, dry cleaners, bakeries, hotels/motels, and most commercial places of amusement. **Minors under 14 years old** may not work in most businesses by Federal Law.

## Work Permits

- Minors under 16 years of age need work permits in order to work.
- Superintendent of schools certify academic standing.
- Minor allowed only 1 permit during the school year but 2 during summer vacation.
- Minor cannot work until permit is approved by Bureau of Labor Standards.
- Employer keeps Bureau-approved permit on file.

## Work Hours

### Under 16 years old

- No more than 6 days in a row.
- Cannot work before 7:00 a.m.
- Not after 7:00 p.m. during school year.
- Cannot work after 9:00 p.m. during summer vacation.

### When School Is Not in Session

- No more than 8 hours in any one day (weekend, holiday, vacation or workshop).
- Not more than 40 hours in a week (school must be out entire week).

### When School Is in Session

- No more than 3 hours on a school day, including Friday.
- Not more than 18 hours in a week that school is in session one or more days.

**16- & 17- years olds** may work in most businesses, however not in hazardous jobs.

## Prohibited Jobs

Youth under 18 years old are not allowed to work at many hazardous jobs. Contact the Bureau of Labor Standards for details. For a current list of hazardous jobs see Federal Regulation 29 CFR, Part 570.

### 16- & 17- years old (enrolled in school)

- No more than 6 days in a row.
- Cannot work before 7:00 a.m. on a school day.
- Cannot work before 5:00 a.m. on a non-school day.
- Cannot work after 10:15 p.m. the night before a school day.
- Can work up to midnight when there is no school the next day.

### When School Is Not in Session

- No more than 10 hours in any one day (weekend, holiday, vacation, or workshop).
- No more than 50 hours in a week.

### When School Is in Session

- No more than 6 hours on a school day.
- No more than 10 hours on any holiday, vacation, or workshop day.
- On last day of school week may work up to 8 hours.
- No more than 24 hours in a week except may work 50 hours any week that approved school calendar is less than 3 days or during the first and last week of school calendar.

## Recordkeeping

All employers must keep accurate payroll records for workers under 18. Records must show what time the minor began work, total hours worked, and what time the minor finished work each day.

**Note:** Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716 or <http://youth.dol.gov/>.

## For more information, contact:

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045

**Telephone: 207-623-7900 or 207-623-7930**

TTY users call Maine Relay 711  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)



# Regulation of Employment



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



**Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.**

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 623-7900. (The laws are also on the Bureau's web site.)

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## Time of Payment

Employees must be paid in full at least every 16 days. Employees must be notified of any decrease in wages or salary at least one day prior to the change.

## Payment of Wages

Employees who leave a job must be paid in full on the next payday or within two weeks, whichever is earlier. Any vacation pay earned is due at the same time.

## Severance Pay

Businesses that have 100 or more employees at a single location may have to provide severance pay to employees if that business location closes or has a mass layoff.

## Unfair Agreement

Employers cannot require that an employee pay for losses such as broken merchandise, bad checks, or bills not paid by customers, nor for special uniforms and certain tools of the trade.

## Rest Breaks

Most employees must be offered a 30-minute paid or unpaid rest break after 6 hours of work.

Nursing mothers must be provided with unpaid break time or be permitted to use their paid break or meal time to express milk. The employer must make reasonable efforts to provide a clean room or location, other than a bathroom, where the milk can be expressed.

## Family Medical Leave

An employee who has worked for the last 12 months at a workplace with 15 or more employees can have leave for up to 10 paid or unpaid weeks in 2 years for:

- ◆ Birth or adoption of a child or domestic partner's child;
- ◆ Serious illness of the employee or immediate family member, including domestic partner;
- ◆ Organ donation;
- ◆ Death or serious health condition of the employee's spouse, domestic partner, parent or child if it occurs while the spouse, domestic partner, parent or child is on active duty;
- ◆ Serious illness or death of a sibling who shares joint living and financial arrangements with the worker.

*(Federal family medical leave is different. Call 603-666-7716 for more information.)*

## Leave for Victims of Violence, Assault, Sexual Assault or Stalking

Must be allowed upon request if an employee (or a child, parent or spouse of an employee) is a victim of violence, assault, sexual assault or stalking or any act that would support an order for protection under Title 19-A M.R.S.A., c. 101 and the employee needs the time to:

- ◆ Prepare for and attend court proceedings; or
- ◆ Receive medical treatment; or
- ◆ Obtain necessary services to remedy crisis.

## Leave to Care for Family

If the employer's policy provides for paid time off, the employee must be allowed to use up to 40 hours in a 12-month period to care for an immediate family member who is ill.

## Mandatory Overtime

Most employers may not require employees to work more than 80 hours of overtime in any consecutive 2-week period. A nurse who has worked 12 consecutive hours may not be disciplined for refusing to work additional hours and must be allowed at least 10 hours off after working 12 hours. (There are exceptions to this law.)

**Note:** *Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.*

## For more information, contact:

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045  
located at: 45 Commerce Drive  
**Telephone: 207-623-7900**  
TTY users call Maine Relay 711  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)  
E-mail: [webmaster.blis@maine.gov](mailto:webmaster.blis@maine.gov)

**At-Will Employment - Under Maine law, an at-will employee may be terminated for any reason not specifically prohibited by law. In most instances, you are an at-will employee unless you are covered by a collective bargaining agreement or other contract that limits termination. If you have questions about at-will employment, contact your human resources department or the Bureau of Labor Standards.**



# THE MAINE HUMAN RIGHTS ACT PROHIBITS SEX DISCRIMINATION

## SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- ✗ UNWELCOME SEXUAL ADVANCES
- ✗ SUGGESTIVE OR LEWD REMARKS
- ✗ UNWANTED HUGS, TOUCHES, KISSES
- ✗ REQUESTS FOR SEXUAL FAVORS
- ✗ RETALIATION FOR COMPLAINING  
ABOUT SEXUAL HARASSMENT

**IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:**

**MAINE HUMAN RIGHTS COMMISSION**

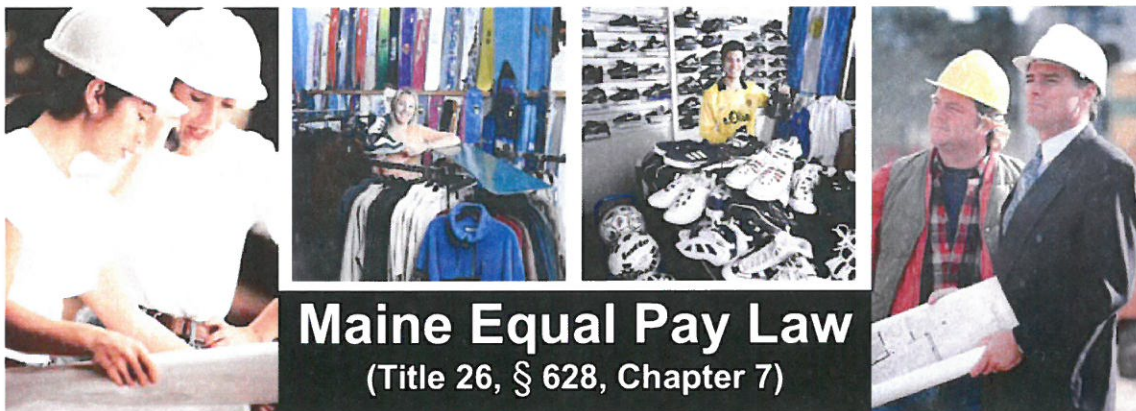
51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051

PHONE (207) 624-6290 FAX (207) 624-8729 TTY: MAINE RELAY 711

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

OR CONTACT YOUR PERSONNEL DEPARTMENT: \_\_\_\_\_

*DEPARTMENT / AGENCY CONTACT*



## Maine Equal Pay Law

(Title 26, § 628, Chapter 7)

**M**aine Law requires that employees be paid the same wages as employees of the opposite sex for work that is of a comparable nature in skill, effort and responsibility. Are you being paid less than **an employee of the opposite sex** for performing the same or similar job? If so, please ask yourself the following questions.

1. Has the other employee worked for the business or been in that job longer than I have?
2. Does the other employee have more training, education or experience related to the job than I do?
3. Is there a merit system in place that rewards employees with promotion, pay increases or other advantages on the basis of their abilities or qualifications?
4. Does the other employee have more responsibilities in comparison to my own responsibilities?

If you cannot answer at least one of the above questions with a “yes,” you may want to file an Equal Pay Complaint. The Maine Department of Labor has a printable complaint form which you may access at [www.maine.gov/labor/labor\\_laws/wagehour.html](http://www.maine.gov/labor/labor_laws/wagehour.html) or you may call 207-623-7900 and request that an Equal Pay Complaint form be mailed to you.

Maine Department of Labor  
Wage & Hour Division  
45 State House Station  
Augusta, ME 04333

The Maine Department of Labor provides equal opportunity in employment and programs.  
Auxiliary aids and services are available to individuals with disabilities upon request.  
Phone 623-7900 - Fax 623-7938 - TTY 1-800-794-1110 (Hearing impaired only)

MAINE DEPARTMENT OF LABOR  
Bureau of Unemployment Compensation

**FULL AND PART-TIME WORKERS**

**EMPLOYEES OF THIS FIRM ARE COVERED BY THE MAINE EMPLOYMENT SECURITY LAW**

1. **HOW TO FILE A CLAIM FOR UNEMPLOYMENT BENEFITS:** All new and reactivated claims for unemployment benefits are filed either by telephone, by Internet, or by mail. **Do not delay in filing your claim once you are out of work. CLAIMS CANNOT BE BACKDATED.**

- A. **BY TELEPHONE:** To file a claim for unemployment benefits by telephone, you will need to know your Social Security Number. Also, you should have the names and addresses of all employers for whom you worked, and your dates of employment in the last 18 months. Call this toll free telephone number to connect with the Unemployment Claims Center System:

**1-800-593-7660**

**TTY Users Call Maine Relay 711**

**LANGUAGE INTERPRETER:** We provide language interpreter services in approximately 140 commonly spoken languages. Arrangements will be made to have an interpreter assist you when you call the Unemployment Claims Center.

- B. **BY INTERNET:** A claim can be filed on the Internet. The website is: [www.file4ui.com](http://www.file4ui.com).

*If you do not have a phone or computer, you can still file your claim this way, free of charge, at any Department of Labor CareerCenter.*

- C. **BY MAIL:** In some cases, your employer will give you a claim form. You can also obtain paper claim forms from any Department of Labor CareerCenter. Mail your initial claim form to the nearest Unemployment Claims Center:

**Maine Department of Labor  
Bureau of Unemployment Compensation**

**97 State House Station  
Augusta, ME 04333-0097**

**P. O. Box 450  
Bangor, ME 04402-0450**

**P. O. Box 1088  
Presque Isle, ME 04769-1088**

**2. BASIC ELIGIBILITY REQUIREMENTS**

- A. **Earnings During the Base Period:** The "base period" is a one-year period that includes four calendar quarters. To establish a claim, an individual must have earned two times the annual average weekly wage in Maine in each of two different calendar quarters, and a total of six times the annual average weekly wage in Maine in the whole base period. In most cases, the Department of Labor has your wage information on file. If it is not on file, the Department will take steps to obtain it.
- B. **Separation:** If you were laid off from your last job due to a lack of work, no additional investigation is required. If you separated from your last job for reasons other than lack of work, you will be scheduled for a fact-finding interview. A determination will then be made regarding your eligibility for benefits.
- C. **Weekly Requirements:** Weekly eligibility requirements include being able to work and being available for work, making an active search for work (unless your work search has been "waived"), not refusing offers of suitable work or referral to suitable job opportunities from the CareerCenters.
- D. **Aliens:** If you are not a U.S. Citizen, your Social Security number and/or your Alien Permit number will be checked with the Department of Homeland Security, Immigration and Naturalization Service.
3. **UNEMPLOYMENT BENEFITS ARE TAXABLE:** Unemployment benefits are taxable and have to be reported when you file your income tax forms.
4. **CHILD SUPPORT:** If you owe child support that you pay to the Department of Health and Human Services (DHHS), up to fifty percent (50%) of your unemployment check may be withheld and sent to DHHS.
5. **BENEFITS FOR PARTIAL UNEMPLOYMENT:** An employer shall issue a properly completed partial unemployment claim form to each employee who is customarily employed full-time and who is given less than full-time hours during a week due to lack of work, and who is not separated from that employer.

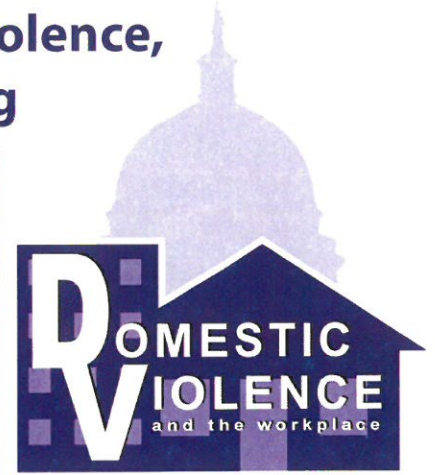
**CAUTION:** This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It does not have the force or effect of law. For more information, call 1-800-593-7660 toll free.

# Maine Labor Laws on Domestic Violence, Sexual Assault, and Stalking

Maine laws protect victims of domestic violence, sexual assault, and stalking in employment.

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Maine Department of Labor by calling (207) 623-7900.

This poster may be copied.



## How You Are Protected

### Leave for Victims of Domestic Violence, Sexual Assault, or Stalking:

- ✓ You may take reasonable and necessary leave from employment if you, your child, spouse, or parent is a victim of domestic abuse, sexual assault, or stalking. Title 26, § 850.

### Unemployment Benefit Eligibility:

- ✓ If you voluntarily leave work, you may not be disqualified from receiving benefits if your leaving was necessary to protect yourself from domestic abuse, and you made all reasonable efforts to keep your job. Title 26, §1193, §§1(A)4
- ✓ You may not be disqualified from receiving benefits because of misconduct if your actions were based solely on the need to protect yourself or an immediate family member from domestic violence, and you made all reasonable efforts to keep your job. Title 26, §1043, §§23(B)3

## Who You Can Contact for Help

### Domestic Violence Hotlines by County

Androscoggin	1-800-559-2927
Aroostook	1-800-439-2323
Cumberland	1-800-537-6066
Franklin	1-800-559-2927
Hancock	1-800-315-5579
Kennebec	1-877-890-7788
Knox	1-800-522-3304
Lincoln	1-800-522-3304
Oxford	1-800-559-2927
Penobscot	1-800-863-9909
Piscataquis	1-888-564-8165
Sagadahoc	1-800-537-6066
Somerset	1-877-890-7788
Waldo	1-800-522-3304
Washington	1-888-604-8692
York	1-800-239-7298
National Domestic Violence Hotline	1-800-799-7233
	TTY 1-800-787-3224

### Other Resources

Statewide Domestic Violence Hotline	1-866-834-4357
Statewide Sexual Assault Crisis Line	1-800-871-7741 TTY 1-888-458-5599
Maine Department of Labor	207-623-7900 TTY 1-800-794-1110
Maine Coalition to End Domestic Violence:	207-430-8334
Aroostook Band of Micmac	1-800-750-1435
Maliseet Domestic Violence & Sexual Assault Program	207-532-6401
Passamaquoddy Peaceful Relations	1-877-853-2613
Penobscot Nation Domestic Violence and Sexual Assault Services	207-631-4886
United Somali Women of Maine	207-753-0061
Sudanese Development Institute of Maine	207-879-2281
Tengo Voz	207-553-2252

# 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 Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis 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 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, protects applicants and employees 40 years of age or older from discrimination 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 skill, effort, and responsibility, under similar working conditions, in the same establishment.

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **RETALIATION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To 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](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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## 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:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis 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 known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. 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.

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above 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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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## 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.

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.

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### FEDERAL MINIMUM WAGE

# \$7.25

 PER HOUR

BEGINNING JULY 24, 2009

**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 under the following conditions:

**No more than**

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment.

**TIP CREDIT** Employers of “tipped employees” must pay 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. Certain other conditions must also be met.

**ENFORCEMENT** The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

**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 and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- 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.



For additional information:

# 1-866-4-USWAGE

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



U.S. Wage and Hour Division

# WWW.WAGEHOUR.DOL.GOV

# EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment is performing Government contract work subject to (check one)

- SERVICE CONTRACT ACT (SCA) or**  
 **PUBLIC CONTRACTS ACT (PCA)**

**MINIMUM WAGES** Your rate must be no less than the Federal minimum wage established by the Fair Labor Standards Act (FLSA).

A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this Notice.

**FRINGE BENEFITS** SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.

**OVERTIME PAY** You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.

**CHILD LABOR** No person under 16 years of age may be employed on a PCA contract.

**SAFETY & HEALTH** Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.

**ENFORCEMENT** Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information for: Contact the Wage and Hour Division by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit its Web site at [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

Contact the Occupational Safety and Health Administration (OSHA) by calling 1-800-321-OSHA (1-800-321-6742), or visit its Web site at [www.osha.gov](http://www.osha.gov).

For additional information:



**1-866-4-USWAGE**  **WHD**  
U.S. Wage and Hour Division

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

**WWW.WAGEHOUR.DOL.GOV**



# 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 covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a 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, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for 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.

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.

An employer may not interfere with an individual's FMLA rights 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.

## BENEFITS & PROTECTIONS

## 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.

\*Special "hours of service" requirements apply to airline flight crew employees.

## REQUESTING LEAVE

Generally, employees must give 30-days' 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 soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must 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 or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

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.

## 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 FMLA leave.

## ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a 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.



For additional information or to file a complaint:

# 1-866-4-USWAGE

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

## www.dol.gov/whd

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



# 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 1½ 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**   
U.S. Wage and Hour Division

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

**WWW.WAGEHOUR.DOL.GOV**

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

# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**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 up to \$10,000 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.**



For additional information:

**1-808-541-1361**  
**www.dol.gov/whd**



Scan this code to learn more about the Employee Polygraph Protection Act



# YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

## REEMPLOYMENT RIGHTS

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

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ 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 <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ 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: <http://www.dol.gov/vets/programs/userra/poster.htm>. 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 Labor**  
**1-866-487-2365**



**U.S. Department of Justice**



**Office of Special Counsel**



**1-800-336-4590**

Publication Date—October 2008

# EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

## FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

### PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

### OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

### ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

### APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

### PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

Maine Department of Transportation  
Civil Rights Office  
Attn: Rick Stephens  
207-624-3056  
[richard.w.stephens@maine.gov](mailto:richard.w.stephens@maine.gov)

or contact the U.S. Department of Labor's Wage and Hour Division.



For additional information:

**1-866-4-USWAGE**

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



**WWW.WAGEHOUR.DOL.GOV**



# NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

“Whoever, being an officer, agent, or employee of the United States, or any State or Territory, or whoever, whether a person, association, firm or corporation, knowingly makes any false statement, false representation or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever, knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provision of the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355) as amended and supplemented,

Shall be fined under this title or imprisoned not more than five years, or both.”

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

State Transportation Agency	U.S. Department of Transportation  Hotline for Fraud, Waste, & Abuse <b>1-800-424-9071</b>	Federal Highway Administration Division Administrator
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**OSHA**<sup>®</sup>  
Occupational Safety  
and Health Administration

# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

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

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

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

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

# U.S. Department of Labor

Washington, D.C. 20210

The purpose of the discussion below is to advise contractors which are subject to the Walsh-Healey Public Contracts Act or the Service Contract Act of the principal provisions of these acts.

## Walsh-Healey Public Contracts Act

**General Provisions** — This act applies to contracts which exceed or may exceed \$10,000 entered into by any agency or instrumentality of the United States for the manufacture or furnishing of materials, supplies, articles, or equipment. The act establishes minimum wage, maximum hours, and safety and health standards for work on such contracts, and prohibits the employment on contract work of convict labor (unless certain conditions are met) and children under 16 years of age. The employment of homeworkers (except homeworkers with disabilities employed under the provisions of Regulations, 29 CFR Part 525) on a covered contract is not permitted.

In addition to its coverage of prime contractors, the act under certain circumstances applies to secondary contractors performing work under contracts awarded by the Government prime contractor.

All provisions of the act except the safety and health requirements are administered by the Wage and Hour Division.

**Minimum Wage** — Covered employees must currently be paid not less than the Federal minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime** — Covered workers must be paid at least one and one-half times their basic rate of pay for all hours worked in excess of 40 a week. Overtime is due on the basis of the total hours spent in all work, Government and non-Government, performed by the employee in any week in which covered work is performed.

**Child Labor** — Employers may protect themselves against unintentional child labor violations by obtaining certificates of age. State employment or age certificates are acceptable.

**Safety and Health** — No covered work may be performed in plants, factories, buildings, or surroundings or under work conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in the performance of the contract. The safety and health provisions of the Walsh-Healey Public Contracts Act are administered by the Occupational Safety and Health Administration.

**Posting** — During the period that covered work is being performed on a contract subject to the act, the contractor must post copies of Notice to Employees Working on Government Contracts in a sufficient number of places to permit employees to observe a copy on the way to or from their place of employment.

**Responsibility for Secondary Contractors** — Prime contractors are liable for violations of the act committed by their covered secondary contractors.

## Service Contract Act

**General Provisions** — The Service Contract Act applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Contractors and subcontractors performing on such Federal contracts must observe minimum wage and safety and health standards, and must maintain certain records, unless a specific exemption applies.

**Wages and Fringe Benefits** — Every service employee performing any of the Government contract work under a service contract in excess of \$2,500 must be paid not less than the monetary wages, and must be furnished the fringe benefits, which the Secretary of Labor has determined to be prevailing in the locality for the classification in which the employee is working or the wage rates and fringe benefits (including any accrued or prospective wage rates and fringe benefits) contained in a predecessor contractor's collective bargaining agreement. The wage rates and fringe benefits required are usually specified in the contract but in no case may employees doing work necessary for the performance of the contract be paid less than the minimum wage established in section 6(a)(1) of the Fair Labor Standards Act.

Service contracts which do not exceed \$2,500 are not subject to prevailing rate determinations or to the safety and health requirements of the act. However, the act does require that employees performing work on such contracts be paid not less than the minimum wage rate established in section 6(a)(1) of the Fair Labor Standards Act.

**Overtime** — The Fair Labor Standards Act and the Contract Work Hours Safety Standards Act may require the payment of overtime at time and one-half the regular rate of pay for all hours work on the contract in excess of 40 a week. The Contract Work Hours Safety Standards Act is more limited in scope than the Fair Labor Standards Act and generally applies to Government contracts in excess of \$100,000 that require or involve the employment of laborers, mechanics, guards, watchmen.

**Safety and Health** — The act provides that no part of the services in contracts in excess of \$2,500 may be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services. The safety and health provisions of the Service Contract Act are administered by the Occupational Safety and Health Administration.

**Notice to Employees** — On the date a service employee commences work on a contract in excess of \$2,500, the contractor (or subcontractor) must provide the employee with a notice of the compensation required by the act. The posting of the notice (including any applicable wage determination) contained on the reverse in a location where it may be seen by all employees performing on the contract will satisfy this requirement.

**Notice in Subcontracts** — The contractor is required to insert in all subcontracts the labor standards clauses specified by the regulations in 29 CFR Part 4 for Federal service contracts exceeding \$2,500.

**Responsibility for Secondary Contractors** — Prime contractors are liable for violations of the act committed by their covered secondary contractors.

**Other Obligations** — Observance of the labor standards of these acts does not relieve the employer of any obligation he may have under any other laws or agreements providing for higher labor standards.

**Additional Information** — Additional Information and copies of the acts and applicable regulations and interpretations may be obtained from the nearest office of the Wage and Hour Division or the National Office in Washington D.C. Information pertaining to safety and health standards may be obtained from the nearest office of the Occupational Safety and Health Administration or the National Office in Washington, D.C.

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division