EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

express breast milk.

ADDITIONAL INFORMATION

comply with both.

and/or overtime pay provisions.

ENFORCEMENT

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

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

**OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

FED

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, nonmining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment

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

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

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WAGE AND HOUR DIVISION

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

classified independent contractors are not.

issued by the Department of Labor.

www.mass.gov/ago/fairlabor

M.G.L. Chapter 149, Section 159C

M.G.L. Chapter 149, Section 190

M.G.L. Chapter 149, Section 52E

M.G.L. Chapter 149, Section 150;

M.G.L. Chapter 149, Section 148A;

M.G.L. Chapter 149, Sections 56 –105

M.G.L. Chapter 151, Sections 1B and 20

Employees are eligible for this leave if the employer has at least 50 employees and the

• worked at least 1,250 hours for the employer during the previous 12-month period.

Most employees must be paid for 3 hours at no less than minimum wage if the employee

is scheduled to work 3 or more hours, and reports to work on time, and is not given the

To learn about rights of temporary workers and employees hired through staffing agencies,

o learn about additional rights for workers who provide housekeeping, cleaning,

childcare, cooking, home management, elder care, or similar services in a household, go to

Public Works and Public Construction Workers M.G.L. Chapter 149, Section 26-271

Workers who work on public construction projects and certain other public work must be

Employees who are victims, or whose family members are victims, of domestic violence

sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs,

The leave can be paid or unpaid depending on the employer's policy. This law applies to

Employees have the right to sue their employer for most violations of wage and hour laws.

Employees may sue as an individual or they may sue their employer as a group if they have similar complaints. Employees who win their case will receive back pay, triple damages,

Important! There are strict deadlines for starting a lawsuit. For most cases, the deadline is 3

All employers in Massachusetts must follow state and federal laws for employees who are

Work Permits Required - Most workers under 18 must obtain a work permit.

under 18 (minors). These laws say when, where, and how long minors may work. They also

mployers must keep their minor workers' work permits on file at the worksite.

To get a work permit, the minor must apply to the superintendent of the school

district where the minor lives or goes to school. To learn more about getting a

work permit, contact the Department of Labor Standards at (617) 626-6975, or

Work at a job that requires that the employee have or use a firearm

• Cook (except on electric or gas grills that do not have open flames),

operate fryolators, rotisseries, NEICO broilers, or pressure cookers

· Operate, clean or repair power-driven food slicers, grinders, choppers,

• Work in or near factories, construction sites, manufacturing plants,

past 10:15 if the employer stops serving • More than **48 hours** per

Exception:0nnon-schoolnights,may • More than **6 days** per week

At **night**, from 7 p.m. to 7 a.m. Exception: Insummer (July 1 – Labor Day),

• More than **3 hours** on any school day • More than **8 hours** on

• More than **8 hours** on any weekend • More than **40 hours** per

\*Exception: For school-approved career or experience-building jobs, students may be

directly supervised by an adult who is located in the workplace and is reasonably

accessible. Exception: Adult supervision is not required for minors working at a

kiosk or stand in a common area of an enclosed shopping mall that has security

Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must be

• Minors under 14 cannot work in Massachusetts in most cases.

These are just some examples of tasks prohibited under both state and federal law. For

Division:(617)727-3465•www.mass.gov/ago/youthemployment.0rcontacttheU.S

a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor

mechanized workplaces, garages, tunnels, or other risky workplaces

At any time:

More than 9 hours per day

When school is not in

More than 6 days per week

Rev. 06/2021

Use, clean or repair certain kinds of power-driven machines

• Drive most motor vehicles or forklifts

Handle, serve, or sell alcoholic beverages

Work 30 or more feet off of the ground

processors, cutters, and mixers

· Work in freezers or meat coolers

Department of Labor: (617) 624-6700 • www.youth.dol.gov

Must not work

At **night**, from 10 p.m. to 6 a.m. (or

work until 11:30 p.m. or until midnight,

• More than **18 hours** during any week

if working at a restaurant or racetrack.

**During the School Year:\*** 

allowed to work during the school day, up to 23 hours a week

During school hours

or holiday

from 8 p.m. until the mall closes.

**Time & Schedule Restrictions for Minors** 

Perform any baking activities

making a complaint or trying to enforce the rights explained in this poster.

employer can be prosecuted and/or subject to civil penalties.

say what kinds of work or tasks minors must NOT do.

Dangerous Jobs & Tasks Minors Must Not Do

Employees Under 18 – Child Labor

www.mass.gov/dols.

such as health care, counseling, and victims services; safe housing; care and custody of their

paid the prevailing wage, a minimum rate set by the Department of Labor Standards based

been employed for at least 12 months by the employer and

call: 617-626-6970 or go to: www.mass.gov/dols.

children; and legal help, protective orders, and going to court.

LABOR

LAWS

intrusion from coworkers and the public, which may be used by the employee to

The Department has authority to recover back wages and an equal amount in

liquidated damages in instances of minimum wage, overtime, and other violations.

for violations of the FLSA's child labor provisions. Heightened civil money penalties

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

Certain occupations and establishments are exempt from the minimum wage,

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"

to the FLSA's minimum wage and overtime pay protections and correctly

Certain full-time students, student learners, apprentices, and workers with

disabilities may be paid less than the minimum wage under special certificates

when they are actually employees under the FLSA. It is important to know the

difference between the two because employees (unless exempt) are entitled

The Department may litigate and/or recommend criminal prosecution. Employers may

be assessed civil money penalties for each willful or repeated violation of the minimum

wage or overtime pay provisions of the law. Civil money penalties may also be assessed

may be assessed for each child labor violation that results in the death or serious injury

Wage and Hour Laws Office of Massachusett **Attorney General** Maura Healey

**Fair Labor Hotline** OFFICE OF THE ATTORNEY GENERAL (617) 727-3465 COMMONWEALTH OF MASSACHUSETTS TTY (617) 727-4765

Reporting Pay

expected hours of work.

Rights of Temporary Workers

Rights of Domestic Workers

www.mass.gov/ago/DW.

employers with 50 or more employees.

**Employees Have the Right to Sue** 

attorneys' fees, and court costs.

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

Wage

Minimum Wage M.G.L. Chapter 151, Sections 1, 2, 2A, and 7 In Massachusetts, all workers are presumed to be employees. The minimum wage applies to **all** January 1, 2017 employees, except agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers), members of a religious order, January 1, 2021 workers being trained in certain educational, nonprofit, or

\$11.00 \$3.75 January 1, 2019 \$12.00 \$4.35 January 1, 2020 \$12.75 \$4.95 \$5.55 S13.50 January 1, 2022 \$6.15 \$14.25 religious organizations, and · outside salespeople. January 1, 2023 \$15.00 \$6.75 M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7 The hourly "service rate" applies to workers who provide services to customers and who

make more than \$20 a month in tips The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage per each shift. Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips. Tips and service charges listed on a bill must be given only to wait staff, service bartenders,

or other service employees Tip pooling is allowed only for wait staff, service bartenders, and other service employees. Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in

For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, not the service rate. Exception: Under state law, some jobs and workplaces are exempt from overtime. For a completelistofovertimeexemptions,visit<u>www.mass.gov/ago/fairlabor</u>orcalltheAttorney

General's Fair Labor Division at (617) 727-3465 M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02 The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable. Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee

worked during one calendar week Employees who quit must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work.

**Paystub Information** M.G.L. Chapter 149, Section 148 All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during **Pay Deductions** M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05

An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account). An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee. Hours worked or "working time" includes all time that an employee must be on duty at the

employer's worksite or other location, and works before or after the normal shift to complete Meal Breaks M.G.L. Chapter 149, Sections 100 and 101 Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, a the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

Payroll Records M.G.L. Chapter 151, Section 15 Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week). Employers must keep payroll records for 3 years. Employees have the right to see their own

payroll records at reasonable times and places. M.G.L. Chapter 149, Section 148C Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick

time on their first day of work. Employees must have access to their sick leave 90 days after Eligible employees may use their sick leave if they or their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for hemselves or their child to address the effects of domestic violence

Unless it is an emergency, employees must notify the employer before using sick leave. Employees who miss more than 3 days in a row may need to provide their employer a

Employers with 11 or more employees must provide paid sick leave. Employers with fewer than 11 employees must provide sick leave; however, it does not need to be paid.

**Employers Must Not Discriminate** M.G.L. Chapter 151B, Section 4 Subject to certain limited exceptions, employers must not pay one employee less for doing the same or comparable work as another employee of a different gender. They must not discriminate in hiring, pay or other compensation, or other terms of

 Sex (including pregnancy) Sexual orientation or gender identity or expression

employment based on a person's:

Race or color

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Genetic information or disability Small Necessities Leave

M.G.L. Chapter 149, Section 52D child's school activities,

In some cases, employees have the right to take up to 24 hours unpaid leave every 12 child's doctor or dentist appointment, or

 elderly relative's doctor or dentist appointments, or other appointments (?) Contact the Attorney General's Fair Labor Division:

(617) 727-3465 - www.mass.gov/ago/fairlabor

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

 $\textcolor{red}{\textbf{NOTICET}} his state has its own minimum wage law \textit{Employers a real sore quired to display the federal \textit{Employer Rights} Under the \textit{Fair Labor Standards} Act posting which indicates the federal \textit{Employer Rights} and \textit{Employer Rights} and$ 

ninimumwage.Wherefederalandstateratesbothapplytoanemployee,theU.S.DepartmentofLabordictatesthattheemployeeisentitledtothehigherminimumwagerate.

Sexual Harassment at work does not have to be tolerated It's Illegal. You can file a complaint with the If you are being sexually harassed, report it immediately to your supervisor

Massachusetts Commission Against Discrimination (MCAD). Visit or contact MCAD at one of the following locations: **436 DWIGHT STREET** 

Room 601 **Room 220** Boston, MA 02108 Springfield, MA 01103 617/994-6000 413/739-2145 617/994-6196 TTY

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

**Earned Sick Time** 

Notice of Employee Rights Beginning July 1, 2015, Massachusetts employees have the right to

WHO QUALIFIES? All employees in Massachusetts can earn sick time.

SEXUAL HARASSMENT OFFICER

This includes full-time, part-time, temporary, and seasonal employees.

Employees earn 1 hour of sick time for every 30 hours they work. Employees can earn and use up to 40 hours per year if they work

Employees with unused earned sick time at the end of the year can rollover Employees **begin earning** sick time on their first day of work and **may begin** using earned sick time 90 days after starting work.

earn and take sick leave from work.

If an employer has 11 or more employees, sick time must be paid. For employers with 10 or fewer employees, sick time may be unpaid. Paid sick time must be paid on the same schedule and at the same rate as

regular wages WHEN CAN IT BE USED?

An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence The smallest amount of sick time an employee can take is one hour.

Sick time cannot be used as an excuse to be late for work without advance Use of sick time for other purposes is not allowed and may result in an

employee being disciplined CAN AN EMPLOYER HAVE A DIFFERENT POLICY? Yes. Employers may have their own sick leave or paid time off policy, so long as

employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.

Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law. Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee

Employees must **notify** their employer before they use sick time, except in a emergency

Employers may require employees to use a reasonable notification If an employee is out of work for 3 consecutive days **OR** uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider

> **DO YOU HAVE QUESTIONS?** Call the Fair Labor Division at 617-727-3465 •

**Visit** www.mass.gov/ago/earnedsicktime **Commonwealth of Massachusetts** Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations. It is unlawful to violate any provision of the Earned Sick Time Law. Violations of any provision of the Earned Sick time law, M.G.L. c. 149, § 148C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of M.G.L. c. 149, §27C(b) and to § 150.

> This notice is intended to inform. Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime.

> > Rev. 07/2016

**EMPLOYEE RIGHTS** 

**EMPLOYEE POLYGRAPH PROTECTION ACT** The Employee Polygraph Protection Act prohibits most private workplace incident (theft, embezzlement, etc.) that resulted in economic loss employers from using lie detector tests either for pre-employment to the employer.

The law does not preempt any provision of any State or local law or any screening or during the course of employment collective bargaining agreement which is more restrictive with respect to lie **PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or inh applicant to take a lie detector test, and from discharging, disciplining, **EXAMINEE RIGHTS** or discriminating against an employee or prospective employee for refusing to Where polygraph tests are permitted, they are subject to numerous strict take a test or for exercising other rights under the Act. standards concerning the conduct and length of the test. Examinees have a

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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

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a

UNITED STATES OF AMERICA

manufacturers, distributors and dispensers

OF LABOR

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UNITED STATES DEPARTMENT OF LABOR

disclosed to unauthorized persons.

**ENFORCEMENT** 

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

number of specific rights, including the right to a written notice before testing,

The Secretary of Labor may bring court actions to restrain violations and assess

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WH1462

REV. 07/2016

civil penalties against violators. Employees or job applicants may also bring

the right to refuse or discontinue a test, and the right not to have test results

Fair Employment in Massachusetts under 18, or adoption of a child under 23 years old if the child has a mental or physical disability

M.G.L. c. 1518 prohibits discrimination the basis of disability a record

compensation, benefits, training, classification and other aspects of

employment. Disability discrimination may include failing to reasonably

It is illegal to retaliate against any person because s/he has opposed any

discriminatory practices or because s/he has filed a complaint, testified, or

assisted in any proceeding before the Commission. It is also illegal to aid, abet,

incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to

domestic workers where the employer has one (1) or more employee.\* While

some exclusions apply, domestic workers generally include individuals paid to

perform work of a domestic nature within a household on a regular basis, such

as housekeeping, housecleaning, nanny services, and/or caretaking. Employers

are prohibited from engaging in sexual harassment and harassment and/or

discrimination based on the protected classes described above, i.e. race, color.

The law prohibits employers from asking applicants on an initial employment

application for any criminal background information unless an exemption by

etc. Domestic workers are also entitled to parental leave.

**CRIMINAL HISTORY INQUIRIES** 

M.G.L. c. 151B prohibits discrimination and harassment against certain

of disability or perceived disability, in hiring, promotion, discharge,

accommodate an otherwise qualified person with a disability.

Applicants to and employees of private employers with 6 or more employees\*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases: RACE, COLOR, RELIGION, DISABILITY, NATIONAL ORIGIN, AGE, SEX,

IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, disability, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex, pregnancy or a condition related to pregnancy, gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate

an employee's religious practices where the accommodation does not impose

PREGNANCY AND PREGNANCY-RELATED CONDITIONS, GENDER

HARASSMENT Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. The law also prohibits har assment based on the protected classes set for that bove a simple contract of the probability of the probabilit

the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child, and describes employers obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. PARENTAL LEAVE

The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8)

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**EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT DEPARTMENT OF UNEMPLOYMENT ASSISTANCE** 

M.G.L. Chapter 151, Section 19 Insurance (UI) benefits. Before you file, your employer will give you a copy of the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the pamph let: How to Apply for Unemployment Insurance Benefits, provided by the applying the applyiIt is against the law for an employer to punish or discriminate against an employee for Massachusetts Department of Unemployment Assistance (DUA) You must be in the United States, its territories, or Canada when filing a claim or certifying for weekly UI benefits. The laws explained in this poster apply to all workers, regardless of immigration status, including undocumented workers. If an employer reports or threatens to report a worker There are two ways to apply for UI Benefits: to immigration authorities because the worker complained about a violation of rights, the

Online for Claimants, and complete the required information to submit your application.

Unemployment Insurance services are available by telephone. You can apply for Unemployment Insurance benefits, reopen a current claim, obtain up-to-date information on the status of your claim and benefit payment, resolve problems, and sign up for direct deposit — all by telephone. To apply for benefits by telephone, call the TeleClaim Center at 1-877-626-6800 from area codes 351, 413, 508, 774, and 978; or 1-617-626-6800 from any other area code. You will be asked to enter your Social Security Number and the year you were born. You will then be connected to an agent who will take the information necessary to file your

Note: During peak periods from Monday through Thursday, call scheduling may be implemented providing priority for callers based on the last digit of their Social Security Number. This helps ensure that you and others can get through to the TeleClaim Center in a timely manner. Please check the schedule on the right before calling.

Any last digit Friday Questo documento contiene informazioni ເອກະສານສະບັບນີ້ ບັນຈຸຂໍ້ມູນອັນສຳຄັນ. 此文件含有重要信息 ຢ່າງບໍ່ລໍຂ້າ. चित्तकाराद्वः धारु वर्षके व वर्षके वर्षक сделать перевод документа. imediatamente. Docikman sa gen enfòmasyon enpòtan. nportante. Por favor, consiga una traducción Tanpri fè von moun tradwi l touswit. 본 문서에는 중요한 정보가 포함되어 importantes. Veuillez le faire traduire 있습니다. 본 문서를 즉시 번역하도록

IMPORTANT: Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer, and the identification number assigned to the employer by the Department of Unemployment Assistance An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services,

Notice to Employees

The Commonwealth of Massachusetts **DEPARTMENT OF INDUSTRIAL ACCIDENTS** LAFAYETTE CITY CENTER, 2 AVENUE DE LAFAYETTE, BOSTON, MA 02111

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30. this will give you notice that I/We have provided for payment to our injured employees under the above-mentioned chapter by insuring with: NAME OF INSURANCE COMPANY \_\_\_\_\_

NAME OF INSURANCE AGENT

(617) 727-4900 - <u>www.mass.gov/dia</u> arranged for such care at:

out of and in the course of employment to furnish adequate and reasonable Compensation Act. The employee may select his or her own physician. The

**Parental Leave** An Act Relative to Parental Leave expands the current maternity leave lav The law expands the notice requirements, mandating that G.L. c. 149, § 105D, which is enforced by the Massachusetts Commission employers keep a posting in a conspicuous place describing the law's requirements and the employer's policies as to parental leave. Boston: One Ashburton Place, Room 601, Boston, MA 02108; **Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103;

**Commission Against Discrimination** 

The parental leave law is now gender neutral. Both men and If the employer agrees to provide parental leave for longer than 8 weeks, the employer must reinstate the employee at the end of the extended leave unless it clearly informs the employee in writing before the leave and before any extension of that leave. that taking longer than 8 weeks of leave shall result in the denial

of reinstatement or the loss of other rights and benefits. The law clarifies that the right to leave applies to employees who have completed an initial probationary period set by the terms of employment, but which is not greater than 3 months.

The law clarifies that an employee seeking leave must provide at least 2 weeks' notice of the anticipated date of departure and the employee's intention to return, but also permits the employee to provide notice as soon as practicable if the delay is for reasons The law clarifies that an employee on parental leave for the adoption of a child shall be entitled to the same benefits offered to

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Notice of Benefits Available Under M.G.L. Chapter 175M

Paid Family and Medical Leave (PFML)

has earned more than 30 times the expected benefit and more than \$6,000 (adjusted annually) in the last four completed quarters preceding the application for benefits. Job Protection

or self-employed individuals. up to 26 weeks of paid family leave in a benefit year to care for a Employers must provide for, contribute to, or otherwise maintain the employee's family member who is a covered service member with a serious

employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the employee had continued working continuously for the duration of such leave. No Retaliation or Discrimination It is unlawful for an employer to discriminate or retaliate against an employee for exercising any right to which s/he is entitled under

or her lost wages If an employer offers employees paid family leave, medical leave, or both, with a self-employed individual who resides and works in Massachusetts benefits that are at least as generous as those provided under the law, the

continue to be protected from discrimination and retaliation under the law even when an employer opts to provide paid leave benefits through a private plan. If you have questions or concerns about your Paid Family and Medical Leave rights, please call: (833)344-7365 or visit: https://www.mass.gov/DFML

Rev. 05/2023

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.

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

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. you have not been separated from service with a disqualifying discharge or under other than honorable

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra.

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement

by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

**REV. 05/2022** 

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

any benefit of employment

**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:

you return to work or apply for reemployment in a timely manner after conclusion of service; and

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

not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are a past or present member of the uniformed

have applied for membership in the uniformed

service: or

FED

then an employer may not deny you:

initial employment;

retention in employment:

reemployment;

The birth of a child or placement of a child for adoption or 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

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 iniury 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. oyees may choose, or an employer may require, use of accrued paid

Employees (current and former), including managers and temporary

Union members and applicants for membership in a union

State and local governments (as employers)

What Types of Employment Discrimination are Illegal?

Sex (including pregnancy and related conditions, sexual orientation, or

Harassment (including unwelcome verbal or physical conduct)

Failure to provide reasonable accommodation for a disability or a

sincerely-held religious belief, observance or practice

Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that might reasonably discourage someone from opposing

discrimination, filing a charge, or participating in an investigation or

Educational institutions (as employers)

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.

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

Job applicants

What Organizations are Covered?

Most private employers

Staffing agencies

your immigration status, on the bases of:

National origin

gender identity

Age (40 and older)

All aspects of employment, including:

Assignment

Benefits

Job training

Discharge, firing, or lay-off

Pay (unequal wages or compensation)

FED

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

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

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

any proceeding under or related to the FMLA.

military member who is the employee's spouse, child, or parent. 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

> **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

employees within 75 miles of the employee's worksite.

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

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave 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 • WH1420

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

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

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.



REV. 04/2016

U.S. Equal Employment Opportunity Commission **Know Your Rights: Workplace Discrimination is Illegal** 

employer's usual procedures.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. What can You Do if You Believe Discrimination has Occurred? Protected Veteran Status

Contact the EEOC promptly if you suspect discrimination. Do not delay, because

there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at

www.eeoc.gov/field-office)

E-Mail info@eeoc.gov Under the EEOC's laws, an employer may not discriminate against you, regardless of Additional information about the EEOC, including information about filing a charge of discrimination

is available at www.eeoc.gov.

**EMPLOYERS HOLDING FEDERAL CONTRACTS** OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies

Genetic information (including employer requests for, or purchase, use, or or are an employee of, a company with a Federal contract or subcontract, you are disclosure of genetic tests, genetic services, or family medical history) protected under Federal law from discrimination on the following bases. Retaliation for filing a charge, reasonably opposing discrimination, or Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, participating in a discrimination lawsuit, investigation, or proceeding. National Origin What Employment Practices can be Challenged as Discriminatory? Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender

doing business with the Federal Government. If you are applying for a job with,

identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment **Asking About, Disclosing, or Discussing Pay** Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive

U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty) active duty wartime or campaign badge veterans, or Armed Forces service medal Retaliation is prohibited against a person who files a complaint of discrimination,

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38

participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately The Office of Federal Contract Compliance

Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free) If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also

Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact. **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL** 

district office, listed in most telephone directories under U.S. Government.

be contacted by submitting a question online to OFCCP's Help Desk

at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or

**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

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

**REV. 10/20/2022** 

Federal agency providing such assistance.

prohibits employment discrimination on the basis of sex in educational programs or



**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 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

unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf. Participate (or have your representative)

participate) in an OSHA inspection and

of your workplace if you believe there are

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 Request copies of your medical records, tests that measure hazards in the workplace, and

the workplace injury and illness log.

**Employers must:**  Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or

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

reporting a work-related injury or illness.

of an eye. Provide required training to all workers in a

fatality or within 24 hours of any work-related

inpatient hospitalization, amputation, or loss

language and vocabulary they can understand.

 Prominently display this poster in the workplace Post OSHA citations at or near the place of the alleged violations.

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





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NOTICEUndertheMassachusettsPregnantWorkersFairnessAct,employersmustdistributeawrittennoticeoftherighttobefreefromdiscriminationduetopregnancyoracondition

relatedtopregnancy.Thenoticeshallbeprovidedtoemployeesinahandbookpamphlet.orbyothermeansPostingdoesnotfulfillthenoticerequirementFormoreinformation.contactthe

Massachusetts Commission Against Discrimination.
THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

This poster is in compliance with federal and state posting requirements.

MENTAL HEALTH FACILITY ADMISSION INOUIRIES Employers may not refuse to hire or terminate an employee for failing to The Pregnant Workers Fairness Act prohibits employment discrimination on furnish information regarding his/her admission to a facility for the care and treatment of mentally ill persons. An employment application may not seek information about an applicant's admission to such a facility. IF YOU HAVE REEN DISCRIMINATED AGAINST If you feel you have been harassed or discriminated against, you should mmediately file a charge of discrimination with the Massachusetts Commission Against Discrimination, www.mcad.gov, at one of the offices below. **An agreement with your employer to arbitrate your** Boston Office: 1 Ashburton Pl., Suite 601, Boston, MA 02108 - P: 617-994-6000 F: 617-994-6024 NEW BEDFORD OFFICE: 800 PURCHASE ST., ROOM 501, NEW BEDFORD, MA 02740 - P: 508-990-2390 F: 508-990-4260 Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 - P: 413-739-2145 F: 413-784-1056 Worcester Office, 484 Main Street, Room 320, Worcester, MA 01608 - P: 508-453-9630 F: 508-755-3861 For more information, please see our website: <a href="www.mass.gov/mcad/">www.mass.gov/mcad/</a> REV. 02/2023 THE COMMONWEALTH OF MASSACHUSETTS Information on Employees' Unemployment Insurance Coverage

Employees of this business or organization are covered by Unemployment Insurance (UI), a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits. If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to apply for Unemployment

UI Online is a secure, easy-to-use, self-service system. You can apply for benefits, reopen an existing claim, request weekly benefit payments, check your claim status, sign up for direct deposit, update your address, and even file an appeal online. To apply for benefits using UI Online, go to www.mass.gov/dua, and select UI

Assigned day to call Teleclaim is: If the last digit of your Social Security Number is: 2, 3 Wednesday 4, 5, 6 7, 8, 9 This document contains importan

REV. 10/6/2015

EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY) MEDICAL TREATMENT The above-named insurer is required in cases of personal injuries arising

reasonable and necessary costs of the services provided by the treating physician will be paid by the insurer if the treatment is connected to the The above-named insure has a preferred provider arrangement, in the cases requiring hospital attention, employees ae hereby notified that the insure has

TO BE POSTED BY EMPLOYER

413-739-2145

Worcester: 484 Main Street, Room 320, Worcester, MA 01608;

508-453-9630

New Bedford: 800 Purchase, Room 501, New Bedford, MA 02740;

508-990-2390

Visit our website for more resources and instructions on

filing a complaint: www.mass.gov/mcad

Against Discrimination (MCAD). Currently, Massachusetts law requires employers with six or more employees to provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and expands the current leave law in the following ways:

The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave.

an employee on leave for the birth of a child.

Covered individuals may be entitled to family and medical leave for the up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work. up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, to care for a family member with a serious health condition, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty

Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year. To fund PFML benefits, employers may deduct payroll contributions of up to 0.318% (adjusted annually) from a covered individual's wages or other earnings A covered individual's average weekly earnings will determine his or her benefit amount, for a maximum weekly benefit of up to \$1,129.82 (adjusted annually). Who is a Covered Individual Under the Law? Generally, a worker qualifies as a covered individual eligible for PFML benefits

covered by unemployment insurance in Massachusetts and paid

wages by a Massachusetts employer; or

and chooses to opt-in to the program; and

Generally, an employee who has taken paid family or medical leave must be restored to the employee's previous position or to an equal position, with the same status, pay, employment benefits, length-of-service credit, and seniority These job protections do not apply to former employees independent contractors,

An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court, and may be entitled to damages of as much as three times his

This notice must be posted in a conspicuous place on the employer's premises.

ONLINE

This poster is available free from OSHA.

Contact OSHA. We can help.

FED-MA-ENG 69386