# **EMPLOYMENT** LAWS

**FEDERAL** 

FED

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

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

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

## At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

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

WAGE AND HOUR DIVISION

view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

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

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

## **ADDITIONAL INFORMATION** Certain occupations and establishments are exempt from the minimum

certificates issued by the Department of Labor.

wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers

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

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

REV. 07/2016

## WI **Minimum Wage Rates**

**\$2.33** per Hour

**\$2.13** per Hour

## Effective July 24, 2009 Minimum Wage Rates for Tipped General Minimum Wage Rates Opportunity Non-Opportunity Opportunity Non-Opportunity **Employees: Employees: Employees:** Employees:

Note: "Opportunity employee" means an employee who is not yet 20 years old and who has been in employment status with a particular employer for 90 or fewer consecutive calendar days from the date of initial employment.

**\$5.90** per Hour

**Minimum Wage Rates for All Agricultural Employees** 

**\$7.25** per Hour

Minimum Wage Rates for Caddies 18 Holes \$7.25 per Hour \$7.25 per Hour \$5.90 \$10.50

For more information contact:

STATE OF WISCONSIN **DEPARTMENT OF WORKFORCE DEVELOPMENT** 

**EQUAL RIGHTS DIVISION** 201 E WASHINGTON AVE, ROOM A100 819 N 6тн ST **ROOM 723** PO BOX 8928 Madison WI 53708 **MILWAUKEE WI 53203** TELEPHONE: (608) 266-6860 TELEPHONE: (414) 227-4384 TTY: (608) 264-8752 TTY: (414) 227-4081 Website: http://dwd.wisconsin.gov/er/

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

## **Wisconsin Maximum Allowances for Board** and Lodging Effective July 24, 2009

Opportunity

Employees:

Non-Agricultural Employment Non-Opportunity **Employees:** \$87.00 Per Week \$70.80 Per Week Meals \$4.15 Per Meal

\$3.35 Per Meal \$47.20 Per Week \$58.00 Per Week Lodging \$8.30 Per Day \$6.75 Per Day Agricultural Employment

All Employees Meals

\$87.00 Per Week \$4.15 Per Meal \$8.30 Per Day **Camp Counselor Employment** 

Weekly Salary for All Employees [Adults and Minors] No Board or **Board Only** 

Lodging Lodging \$210.00 \$265.00 \$350.00 When board or lodging provided by an employer is accepted and received by an

worker's paycheck. The amounts deducted are used to determine if the employee is receiving the required minimum wage rates.

employee, the employer is permitted to deduct up to the above amounts from the

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

same day or week

## **Hours and Times of Day** Minors May Work in Wisconsin

State and federal laws do not limit the hours that minors 16 years of age or over may work, except that they may not be employed or permitted to work during hours of required school attendance under Wis. Stat. § 118.15. State and federal laws also permit minors under 16 to work up to seven days per week in the delivery of newspapers and agriculture. In most other types of labor, minors under 16 may only work six days a week Most employers must obtain work permits for minors before permitting them to

work. For further information, see the Wisconsin Employment of Minors Guide (ERD-4758-P). Maximum Hours of Work for After Labor Day

14 & 15 year-old minors	through May 31	Labor Day
Daily Hours		
Non-School Days	8 hours	8 hours
School Days	3 hours	3 hours
Weekly Hours		
Non-School Weeks	40 hours	40 hours
School Weeks	18 hours	18 hours
Permitted Time of Day	7am-7pm	7am-9pm

**Employers** subject to both federal and state laws must comply with the more stringent section of the two laws **State** child labor laws prohibit work during times that minors are required to be in

**Employee Protections** 

**Against Use of** 

**Honesty Testing Devices** 

Employers who use honesty testing must display this poster in one or

more conspicuous places where notices to employees are customarily

regulated. Further, employers may not discriminate against a person who

An employer **may request** that an employee take a test in connection

Honesty tests **can be used** by law enforcement agencies and certain

manufacture, distribute or sell controlled substances.

with an investigation involving economic loss or injury to a business if the

businesses engaged in providing security services, alarm systems, and who

an examinee's right to proper notice, the right to discontinue a test at any

time and the right to advance written notice of the questions to be asked.

Victims of unlawful honesty testing may file a complaint within 300 days

STATE OF WISCONSIN

**DEPARTMENT OF WORKFORCE DEVELOPMENT** 

**EQUAL RIGHTS DIVISION** 

Website: http://dwd.wisconsin.gov/er/

employer and service provider. If you have a disability and need to access

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this information in an alternate format or need it translated to another

819 N 6TH ST

**MILWAUKEE WI 53203** 

TTY: (414) 227-4081

TELEPHONE: (414) 227-4384

**ROOM 723** 

after the date the unfair honesty testing occurred, at one of the offices

Under Wisconsin law, requiring or requesting that an employee or

applicant take an honesty test (lie detector) is unlawful or heavily

refuses to take a test or objects to its use.

employee is a reasonable suspect.

**Employee & Applicant Rights** 

201 E WASHINGTON AVE ROOM A300

PO BOX 8928

MADISON WI 53708

TTY: (608) 264-8752

language, please contact us.

TELEPHONE: (608) 266-6860

school, except for students participating in work experience and career exploration programs operated by the school Minors under 16 years of age are limited to the maximum hours and time of day restrictions even though they may work for more than one employer during the

street trades, agriculture, and work in school lunch programs. See the Wisconsin Employment of Minors Guide, ERD-4758-P, for more detail). These minors are subject to the same hourly and time of day restrictions as minors who are 14 or 15 **Minors under 18 years of age** may not work more than 6 consecutive hours

without having a 30-minute, duty free meal period. Minors 16 & 17 years of age who are employed after 11:00 pm must have 8 hours of rest between the end of one shift and the start of the next shift.

Minors under 14 years of age are allowed to work in certain occupations (e.g.,

**Minimum Wage** for minors is \$7.25 per hour. Employers may pay an "Opportunity Wage" of \$5.90 per hour for the first 90 days of employment. On the 91st day, the wage must increase to \$7.25 per hour. For further information about the federal child labor laws call (608) 441-5221, or write to U.S. Department of Labor, Wage & Hour, 740 Regent Street, Suite 102, Madison, WI 53715.

For further information about the state child labor laws, call the Equal Rights Division in Madison (608) 266-6860 or Milwaukee (414) 227-4384.

DEPARTMENT OF WORKFORCE DEVELOPMENT — EQUAL RIGHTS DIVISION **PO BOX 8928 MADISON WI 53708** TELEPHONE: (608) 266-6860 TTY: (608) 264-8752 Website: http://dwd.wisconsin.gov/er/

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## **Notification Required When Employers Decide to Cease**

**Providing a Health Care Benefit Plan** Pursuant to Section 109.075 Wisconsin Statutes, Wisconsin employers who plan to discontinue health care benefits to current employees, retirees and dependents of employees or retirees in some instances must provide the affected individuals with 60 days advanced notice of the cessation of

Q: Which current or former employers must comply with this requirement? A: Employers who operates a business enterprise in Wisconsin that employs 50 or more persons in this state must provide advanced written notice of employer's intention to cease providing health care benefits to affected parties. Q: Who is an affected individual entitled to notification? A: Employees, any union representing employees of that business, retirees, and dependents of employees and retires currently covered by the health care plan are

entitled to receive 60 days advanced written notice that their benefits will cease. Q: What would be the purpose of filing a complaint about not receiving advanced notification of a cessation of health care benefits? A: A complainant who did not receive proper advanced notification may receive either the value of the insurance premium(s) for the period without notification or

the actual value of medical expenses incurred during the non-notification period Q: If I have questions concerning this requirement or if I wish to file a complaint about not receiving notification, who should I contact? A: Contact either the Equal Rights Division in Milwaukee or Madison listed below.

**STATE OF WISCONSIN** DEPARTMENT OF WORKFORCE DEVELOPMENT **EQUAL RIGHTS DIVISION** 

201 E Washington Ave Room A300 819 N 6TH ST PO BOX 8928 **ROOM 723** MADISON WI 53708 **MILWAUKEE WI 53203** TELEPHONE: (414) 227-4384 TELEPHONE: (608) 266-6860 TTY: (608) 264-8752 TTY: (414) 227-4081

Website: http://dwd.wisconsin.gov/er/ The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

REV. 09/2011

**Apply Online at** 

my.unemployment.wisconsin.gov

**Apply by Telephone** 414-438-7700 or 608-232-0678

Hours of operation are available online at: http://dwd.wi.gov/uiben/services.htm

**Questions? Need Help?** 

Go Online at

dwd.wi.gov/ClaimsOnline

**Call a Claims Specialist:** 

414-438-7713 or 608-232-0824

or TTY 1-888-393-8914

http://dwd.wi.gov/uiben/services.htm

Hours of operation are available online at:

Deaf, hard-of-hearing, and speech-impaired callers may apply online using

1-888-393-8914 when Claims Specialists are available. TTY callers must have a

the Internet address shown above, or by calling our TTY toll free number

telephone typewriter device. Voice calls are not answered on this number.

## WI **Notice to Employees About Applying for Wisconsin Unemployment Benefits How to Apply**

REV. 09/2011

## When to Apply You are totally unemployed,

You are partially unemployed (your weekly earnings are reduced), or You expect to be laid off within the next 13 weeks and would like to start your benefit year early.

Important: Your claim begins the week you apply. To avoid any loss of benefits, apply the first week you are unemployed. Do not wait until the week is over.

## **Have This Information Ready** Your social security number A username and password for filing online.

- A personal identification number (PIN) if filing by telephone. Your PIN is a 4-digit number you make up before you apply.
- Your Wisconsin Driver's License or State Identification Number. The names of everyone for whom you worked in the past 18 months. For each employer you will also need a full address (including zip code), a telephone number, the reason you are no longer working there, and your first and last dates of work.
- number from which the number is obtained, and the expiration date on that
- If you are a union member, the name and local number of your union hall.

If you are not a U.S. citizen, your Alien Registration Number, the document

For more information about unemployment insurance, visit our websites http://unemployment.wisconsin.gov

## State of Wisconsin Department of Workforce Developmen

Notice to Employers: All employers covered by Wisconsin's Unemployment Insurance law are required to prominently display this poster where employees will easily see it (e.g., on bulletin boards, near time clocks). If employers do not have a permanent work site regularly accessed by employees, an individual copy is to be provided to each employee. For additional copies go online at: http://dwd.wi.gov/dwd/publications/ui/notice.htm or call 414-438-7705 or 608-232-0633.

**Notice to Employees:** The federal Social Security Act requires that you give us your social security number. It will be used to verify your identity and determine your eligibility. If you do not provide your social security number, we cannot take your claim.

**REV. 03/2016** 

## **Family and Medical Leave Act** Section 103.10, Wisconsin Statutes, requires that all employers with 50 or

Up to six (6) weeks leave in a calendar year for the birth or adoption of the employee's child, providing the leave begins within sixteen (16) weeks of the birth or placement of that child.

25 or more employees are required to post their particular leave policy.

domestic partner, as defined in § 40.02(21c) or 770.01(1) or parent or a parent of a domestic partner with a serious health condition. Up to two (2) weeks leave in a calendar year for the employee's own serious

Up to two (2) weeks of leave in a calendar year for the care of a child, spouse,

Under state law all employers with 50 or more permanent employees must allow

health condition. This law only applies to an employee who has worked for the employer more than

52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Family and Medical Leave. Employers may have leave policies, which are more generous than leaves required by the law.

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## more employees display a copy of this poster in the workplace. Employers with

A complaint concerning a denial of rights under this law must be filed within 30 days after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later. For answers to questions about the law, a complete copy of the law, or to

make a complaint about a denial of rights under the law contact: **STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION** 

201 E WASHINGTON AVE, ROOM A100 819 N 6TH ST **PO ROX 8928 ROOM 723 MADISON WI 53708 MILWAUKEE WI 53203** TELEPHONE: (414) 227-4384 TELEPHONE: (608) 266-6860 TTY: (414) 227-4081 Website: http://dwd.wisconsin.gov/er/

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REV. 06/2014

**EMPLOYEE RIGHTS** 

**EMPLOYEE POLYGRAPH PROTECTION ACT** The Employee Polygraph Protection Act prohibits most private employers from

using lie detector tests either for pre-employment screening or during the course of employment.

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

national security-related activities.

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other rights under the Act. 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

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

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.

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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.

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

penalties against violators. Employees or job applicants may also bring their own court

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

1-866-487-9243

DEPARTMENT OF LABOR WAGE AND HOUR DIVISION TTY: 1-877-889-5627 UNITED STATES DEPARTMENT OF LABOR www.dol.gov/whd

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

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND

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

you return to work or apply for reemployment in a timely manner after conclusion of service; you have not been separated from service with a disqualifying discharge or under other than

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.

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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member of the are obligated to serve in the uniformed uniformed service; service;

have applied for membership in the uniformed service; or then an employer may not deny you:

initial employment; promotion; or any benefit of employment reemployment; retention in employment;

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 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 serviceconnected illnesses or injuries.

## 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 <a href="http://www.dol.gov/elaws/userra.htm">http://www.dol.gov/elaws/userra.htm</a>. 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 You may also bypass the VETS process and bring a civil action against an employer for violations

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

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

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

REV. 05/2014

REV. 09/2011

# **Fair Employment Law**

Section 111.31-111.395 Wisconsin Statutes and DWD 218 Wisconsin Administrative Code requires that all employers prominently display this Poster in all places of employment.

It is unlawful to discriminate against employees and job applicants because of their: Use of Lawful Products Arrest or Conviction

Honesty Testing Ancestry National Origin Marital Status Pregnancy or Childbirth Sexual Orientation Creed (Religion) Genetic Testing

Age (40 or Over)

Declining to Attend a Meeting or Participate in any Communication About Religious or This law applies to employers, employment agencies, labor unions and licensing agencies. Employers may not require certain types of honesty testing or genetic testing as a condition

Military Service

of employment, nor discipline an employee because of the results. Employees may not be harassed in the workplace based on their protected status nor retaliated against for filing a complaint, for assisting with a complaint, or for opposing discrimination in the workplace.

There is a 300-day time limit for filing a discrimination complaint.

STATE OF WISCONSIN **DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION** 201 E WASHINGTON AVE ROOM A100 819 N 6тн ST PO Box 8928 **Room 723** 

For more information or a copy of the law and the administrative rules contact:

Madison WI 53708-8928 MILWAUKEE WI 53203 TELEPHONE: (608) 266-6860 TELEPHONE: (414) 227-4384 TTY: (608) 264-8752 TTY: (414) 227-4081 Website: http://dwd.wisconsin.gov/er/

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# **Employee Rights under Wisconsin's Business Closing/**

give proper notice to their employees and others before taking certain actions.

What is a "business closing" or "mass layoff?" "business closing" requires notice if there is a permanent or temporary shutdown of an employment site or of one or more facilities or operating units at an employment site or within a single municipality that affects 25 or more employees (not including "new" or "low-hour" employees). "mass layoff" requires notice if there is a reduction in the workforce that is not a "business closing" and which affects the following number of employees (excluding new or low hour employees) at an

Under Wisconsin law, employees have certain rights and employers have certain obligations to

**Mass Layoff Notification Law** 

employment site or within a single municipality: At least 25% of the employer's workforce or 25 employees, whichever is greater or 2. At least 500 employees. Employees are counted if their employment is terminated (not including discharges for cause,

voluntary departures or retirements), if they are laid off for more than 6 months, or if their hours are reduced more than 50 percent during each month of any 6-month period, as the result of a business closing or mass layoff. New or low-hour employees - who have been employed for fewer than 6 of the 12 months preceding the date on which a notice is required or who average fewer than 20 hours of work per week - are **not** counted.

Who must provide notice and when?

201 E WASHINGTON AVE ROOM A300

another language, please contact us.

ERD-9006-P

state. The federal or state government (and their political subdivisions), charitable, or tax exempt institutions and organizations and independent contractors are not covered under this law and do not have to provide notice. Additional exceptions exist in various situations involving strikes or lockouts, sales, relocations, temporary or seasonal employment, unforeseeable circumstances, natural or manmade disasters, temporary cessation in operations, or businesses in financial trouble. What employees are entitled to receive notice?

With certain exceptions, businesses employing 50 or more persons in the State of Wisconsin must

provide written notice 60 days before implementing "business closing" or "mass layoff" in this

Employees are entitled to receive notice if they are counted as part of "business closing" or "mass layoff." New or low-hour employees may also be entitled to receive notice in situations where there is a 'business closing" or "mass layoff." What can employees recover if notice is required and not given? If an employer implements a "business closing" or "mass layoff" without providing required notice,

an affected employee may recover back pay and benefits for each day that required notice was not

provided (up to a maximum of 60 days). An affected employee may also recover attorney fees and f you have questions regarding this law or wish to file a complaint, call or write us at: STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT **EQUAL RIGHTS DIVISION** 

PO Box 8928 Room 723 MADISON WI 53708 MILWAUKEE WI 53203 ELEPHONE: (608) 266-6860 TELEPHONE: (414) 227-4384 TTY: (608) 264-8752 TTY: (414) 227-4081 Website: http://dwd.wisconsin.gov/er/

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819 N 6тн ST

# WISCONSIN

## EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

## THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION **REQUESTING LEAVE**

**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

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DISABILITY

barring undue hardship.

employment.

WI

employees of either sex:

**SEX (WAGES)** 

WH1462

REV. 07/2016

To care for the employee's spouse, child, or parent who has a qualifying serious 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

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**BENEFITS & PROTECTIONS** While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. 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.

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

**Organizations** 

Title VII of the Civil Rights Act of 1964, as amended,

hiring, promotion, discharge, pay, fringe benefits

job training, classification, referral, and other aspects

Religious discrimination includes failing to reasonably

of employment, on the basis of race, color, religion,

Title I and Title V of the Americans with Disabilities

Disability discrimination includes not making

with a disability who is an applicant or employee,

In addition to sex discrimination prohibited by Title VII

family members; the manifestation of diseases or

and requests for or receipt of genetic services by

applicants, employees, or their family members.

sex (including pregnancy), or national origin.

**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.

U.S. Department of Labor • Wage and Hour Division • WH1420

so, how much leave will be designated as FMLA leave.

## **Equal Employment Opportunity is THE LAW**

**RETALIATION Private Employers, State and Local** Governments, Educational Institutions, **Employment Agencies and Labor** 

employment practice. Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are **HAS OCCURRED** protected under Federal law from discrimination on the There are strict time limits for filing charges of following bases: RACE, COLOR, RELIGION, SEX, NATIONAL

protects applicants and employees from discrimination The U.S. Equal Employment Opportunity Commis (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government accommodate an employee's religious practices where section. Additional information about EEOC, including the accommodation does not impose undue hardship. information about charge filing, is available at

Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, Subcontracts promotion, discharge, pay, fringe benefits, job training, Applicants to and employees of companies with classification, referral, and other aspects of employment. a Federal government contract or subcontract are reasonable accommodation to the known physical or following bases: mental limitations of an otherwise qualified individual

Executive Order 11246, as amended, prohibits job The Age Discrimination in Employment Act of 1967, as discrimination on the basis of race, color, religion, sex or amended, protects applicants and employees 40 years national origin, and requires affirmative action to ensure of age or older from discrimination based on age in equality of opportunity in all aspects of employment. hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of

www.eeoc.gov.

of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in Disability discrimination includes not making 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 barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with Title II of the Genetic Information Nondiscrimination disabilities at all levels of employment, including the Act of 2008 protects applicants and employees from executive level. discrimination based on genetic information in hiring,

## DISABLED, RECENTLY SEPARATED, OTHER promotion, discharge, pay, fringe benefits, job training, PROTECTED, AND ARMED FORCES SERVICE classification, referral, and other aspects of employment.

GINA also restricts employers' acquisition of genetic **MEDAL VETERANS** information and strictly limits disclosure of genetic The Vietnam Era Veterans' Readjustment Assistance information. Genetic information includes information Act of 1974, as amended, 38 U.S.C. 4212, prohibits job about genetic tests of applicants, employees, or their discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently disorders in family members (family medical history); separated veterans (within three years of discharge or release from active duty), other protected veterans

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

WHAT TO DO IF YOU BELIEVE DISCRIMINATION 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:

# **Employers Holding Federal Contracts or**

protected under Federal law from discrimination on the RACE, COLOR, RELIGION, SEX, NATIONAL

**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 reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee,

(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).

REV. 04/2016

**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.

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, or by calling an OFCCP regional or district office, listed in most telephone directories

## **Programs or Activities Receiving Federal**

under U.S. Government, Department of Labor.

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

## 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

REV. 11/2009

REV. 06/2016

**Bone Marrow and Organ Donation Leave Act** 

Section 103.11, Wisconsin Statutes, requires all employers with 50 or more employees to display a copy of this poster in the workplace. Employers with 25 or more employees are required to post their particular leave policies. Under state law all employers with 50 or more permanent employees must allow

a bone marrow or organ donor, provided that the employee provides his or her employer with written verification that the employee is to serve as a bone marrow or organ donor and so long as the leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure. This law applies only to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law

also requires that employees be allowed to substitute paid or unpaid leave provided

have leave policies that are more generous than leaves required by the law.

by the employer for Wisconsin Bone Marrow or Organ Donation Leave. Employers may

Up to six (6) weeks leave in a 12-month period for the purpose of serving as

after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

PO BOX 8928

ERD-18114-E-P

**MADISON WI 53708** 

For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact: **STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION** 

A complaint concerning a denial of rights under this law must be filed within 30 days

EEOC-P/E-1

TELEPHONE: (414) 227-4384 Telephone: (608) 266-6860 TTY: (608) 264-8752 TTY: (414) 227-4081 Website: http://dwd.wisconsin.gov/er/ The Department of Workforce Development is an equal opportunity employer and

alternate format or need it translated to another language, please contact us.

service provider. If you have a disability and need to access this information in an





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

## All workers have the right to:

your workplace.

- A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a work-
- retaliated against. Receive information and training on job hazards, including all hazardous substances in
- Reguest 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
- 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
- employer Request copies of your medical records, tests that measure hazards in the workplace, and

This poster is available free from OSHA.

## **Employers must:**

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

Provide employees a workplace free from

recognized hazards. It is illegal to retaliate

hospitalizations, amputations and losses of an eye within 24 hours.

fatalities within 8 hours, and all inpatient

 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



contact J. J. Keller & Associates, Inc.

**Since 1953** 

This poster is in compliance with federal and state posting requirements. 41525

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poster compliance status now

To update your employment law posters

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. provide a written notice indicating what additional information is required. **EMPLOYER RESPONSIBILITIES** 

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

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must

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

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.

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

For additional information or to file a complaint: 1-866-4-USWAGE

DEPARTMENT OF LABOR UNITED STATES OF AMERICA (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact

# **Financial Assistance**

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. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

> 819 N 6TH ST, ROOM 723 **MILWAUKEE WI 53203**

related injury or illness, without being

representative contact OSHA on your behalf. Participate (or have your representative

retaliated against for using your rights. See any OSHA citations issued to your

the workplace injury and illness log.

Contact OSHA. We can help.