

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or on applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and temporary employees
- What Organizations are Covered?
- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Types of Employment Discrimination are Illegal?

- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Disability
- Genetic information (including employer requests for, purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

Employers Hiring Federal Contractors or Subcontractors

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces affirmative action requirements of federal contractors and subcontractors. If you are applying for a job with or for a contractor or subcontractor, you may be protected from discrimination on the following bases: **Race, Color, Religion, Sex, National Origin, and Disability**.

Protected Classes:

- Race
- Color
- National Origin
- Sex
- Disability—Sensory, Mental or Physical
- HIV, AIDS, and Hepatitis C
- Age (40 yrs old and older)
- Marital Status
- Pregnancy or maternity
- Sexual Orientation or Gender Identity
- Use of a service animal by a person with a disability
- Honorably discharged Veteran or Military status
- Use of a service animal by a person with a disability
- Retaliation for filing a whistleblower complaint with the state auditor
- Retaliation for filing a nursing home abuse complaint
- Retaliation for opposing an unfair practice

April 2015

WORKERS' COMPENSATION Notice to Employees

Washington State Department of Labor & Industries

It's the law! Employers must post this notice where employees can read it.

Every worker is entitled to workers' compensation benefits. You cannot be penalized or discriminated against for filing a claim. For more information, call toll-free 1-800-547-8367.

If a job injury occurs

Your employer is insured through the Department of Labor & Industries' workers' compensation program. If you are injured on the job or develop an occupational disease, you are entitled to workers' compensation benefits.

Medical care. Medical expenses resulting from your workplace injury or disease will be paid by the workers' compensation program.

Disability income. If your work-related medical condition prevents you from working, you may be eligible for benefits to partially replace your wages.

Vocational assistance. Under certain conditions, you may be eligible for help in returning to work.

Partial disability benefits. You may be eligible for a monetary award to compensate for the loss of body functions.

Pensions. Injuries that permanently keep you from returning to work may qualify you for a disability pension.

Spousal benefits. If you are a spouse of a worker who is injured on the job or develops an occupational disease, you may be eligible for spousal benefits.

On the Web: www.Lni.wa.gov

FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The Department of Labor's Wage and Hour Division (WHD) enforces FMLA for most employers.

Eligible employees are entitled to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious mental or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious mental or physical health condition.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Act Sheet 2236 for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

All eligible to take FMLA leave: You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and:
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if one of the following applies:

- You work for a private employer that has at least 50 employees during at least 20 workweeks in the current or previous calendar year.
- You work for an elementary or public or private secondary school.
- You work for a public agency such as a local, state or federal government agency. Most federal employees are covered by Title 5 of the FLSA, administered by the Office of Personnel Management.

How to request FMLA leave: Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave.
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

Anti-Discrimination Notice

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which documents they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

For information, please contact:
The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

Washington State Law Prohibits Discrimination in Employment

Washington State Department of Labor & Industries

It's the law! Employers must post this notice where employees can read it.

Revised Code of Washington 51.14.100.

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Vocational assistance. Under certain conditions, you may be eligible for help in returning to work.

Partial disability benefits. You may be eligible for a monetary award to compensate for the loss of body functions.

Pensions. Injuries that permanently keep you from returning to work may qualify you for a disability pension.

Spousal benefits. If you are a spouse of a worker who is injured on the job or develops an occupational disease, you may be eligible for spousal benefits.

On the Web: www.Lni.wa.gov

SELF-INSURED WORKERS' COMPENSATION Notice to Employees

Washington State Department of Labor & Industries

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EMPLOYEE POLYGRAPH PROTECTION ACT

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DOMESTIC VIOLENCE RESOURCES

Everyone deserves a healthy relationship

No one ever deserves to be mistreated.

Abuse is a pattern of behavior that one person uses to gain power and control over another. These behaviors can include isolation, emotional abuse, monitoring, controlling finances, or physical and sexual assault.

Everyone should be free to make their own choices in relationships. If you are experiencing harm or need advice, call the National Domestic Violence Hotline. You can reach their advocates 24/7/365 to get the support you deserve. No names, no fees, and no judgement. Just help. 800-799-SAFE (7233) or 800-787-3224 (TTY).

www.thehotline.org

You can also find a program in your area that can help. Find out more about what kind of help is available at wscadv.org/get-help-now.

The Employment Security Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance services for limited English proficient individuals are available free of charge. Washington Relay Service: 711

EMS 10427, CC 7540-032-981, Rev. 07/19, UI-biz-poster-EN

UNEMPLOYMENT INSURANCE

You may be eligible for UNEMPLOYMENT BENEFITS if you lose your job

Visit www.esd.wa.gov to apply and click "Sign in or create an account"

Fastest way to apply is online at esd.wa.gov

If you don't have a home computer, you can access one at a WorkSource center or your local library.

If you can't apply online, try contacting us over the phone

Call 800-318-6022. Persons with hearing or speaking impairments can call Washington Relay Service 711. We are available to help you Monday through Friday 8 a.m. to 4 p.m., except on state holidays. You may experience long wait times.

You must look for work each week that you claim benefits

Visit WorkSource to find all the FRE resources you need to find a job. These include workshops, computers, copiers, phones, fax machines, Internet access, and job listings. Log onto WorkSourceWA.com to find the nearest office.

If your work hours have been reduced to part-time, you may qualify for partial unemployment benefits.

If you have been unemployed due to a work-related injury or non-work-related illness or injury and are now able to work again, you may be eligible for Temporary Total Disability (TTD) unemployment benefits.

For more information, please refer to the Handbook for Unemployed Workers at ESD.WA.GOV.

Employers are legally required to post this notice in a place convenient for employees to read (see RCW 50.20.140).

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EMS 9874, CC 7540-032-407, Rev. 10/17, UI-biz-poster-EN

PAID FAMILY AND MEDICAL LEAVE

Paid Family and Medical Leave provides paid time off when a serious health condition prevents you from working, when you need to care for a family member or a new child, or for certain military-related events. It's here for you when you need it most, so you can focus on what matters.

Nearly every Washington worker—whether you work full time or part time in a small to large business—is eligible for up to 12 weeks of Paid Family and Medical Leave. You need to work 820 hours in Washington, or about 16 hours per week, over the course of a year. You can get up to 16 weeks if you have family and medical events in the same year, or up to 18 weeks in some cases. Leave doesn't have to be taken all at once. You use these weeks when your "claim year," which starts when you apply and then runs for the next 52 weeks. When that claim year expires you can then be eligible for leave again.

You apply for leave with the Employment Security Department and will get partial wage replacement, up to 90 percent of your typical pay, based on \$1,427 per week.

You meet the requirements, you have the right to take paid time off using Paid Family and Medical Leave.

If you qualify for Paid Family and Medical Leave, your employer cannot prevent you from taking it. Your employer also cannot require you to use other types of leave, such as sick or vacation days, before or after taking Paid Family and Medical Leave. The program is funded by employers shared between workers and many employers. The premium is 0.8% of your wage. You may pay about 73% of that total, and your employer (if they have 50 or more employees) will pay the remaining 27%.

To file a complaint against your employer about Paid Family and Medical Leave, email or call our Customer Care Team at paidleave@esd.wa.gov or (833) 717-2273.

You may also contact the Office of the Paid Family and Medical Leave Ombuds. The Ombuds is appointed by the governor and serves as a neutral, independent third party to help workers and employers in their dealings with the Department. The Office of the Ombuds investigates reports on and helps settle complaints about service deficiencies and concerns with the Paid Family and Medical Leave program. Learn more at www.paidleaveombuds.wa.gov or call the Ombuds' office at 844-395-6697.

Learn more and apply at paidleave.wa.gov

WASHINGTON SUMMARY OF WORKPLACE RIGHTS

Washington State Department of Labor & Industries

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On the Web: www.Lni.wa.gov

OCCUPATIONAL SAFETY AND HEALTH PROTECTION

Washington State Department of Labor & Industries

It's the law! Employers must post this notice where employees can read it.

(Chapter 49.17 RCW)

All workers have the right to a safe and healthy workplace.

Employees — Your employer must protect you from hazards you encounter on the job, tell you about them and provide training.

You have the right to:

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection, without loss of wages or benefits.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- File a complaint with L&I within 90 days if you believe your employer fired you, or retaliated or discriminated against you because you filed a safety complaint, participated in an inspection or any other safety-related activity.
- Appeal a violation correction date if you believe the time allowed on the citation is not reasonable.

The law requires you to follow workplace safety and health rules that apply to your own actions and conduct on the job.

Employers must report all deaths, in-patient hospitalizations, amputations or loss of an eye.

Report any work-related death or in-patient hospitalization to L&I's Division of Occupational Safety and Health (DOSH) within 8 hours.

Report any work-related non-hospitalized amputation or loss of an eye to DOSH within 24 hours.

For any work-related death, in-patient hospitalization, amputation or loss of an eye, you must report the following information to DOSH:

- Employer contact person and phone number.
- Name of business.
- Address and location where the work-related incident occurred.
- Date and time of the incident.
- Number of employees and their names.
- Brief description of what happened.

Where to report:

- Any local L&I office or
- 1-800-423-7233, press 1 (available 24/7)

Employers must report all deaths, in-patient hospitalizations, amputations or loss of an eye.

This poster is available free from L&I at www.Lni.wa.gov/RequiredPosters.

Free assistance from the Division of Occupational Safety and Health (DOSH)

- Training and resources to promote safe workplaces.
- On-site consultations to help employers identify and fix hazards, and risk management help to lower your workers' compensation costs.

Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367, TDD users, call 711. L&I is an equal opportunity employer.

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FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25

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

OVERTIME PAY At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

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

TIPPED EMPLOYERS Employees of "tipped employers" who meet certain conditions may claim a partial wage credit based on tips received by their employers. 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 employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department 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 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 labor violation that results in the death or serious injury of any minor employee. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

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

- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater worker protections; employers must comply with them.
- 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.
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WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243

www.dol.gov/agencies/eis/whd

Job Safety And Health Law

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You have the right to:

- Notify your employer or L&I about workplace hazards. You may ask L&I to keep your name confidential.
- Request an L&I inspection of the place you work if you believe unsafe or unhealthy conditions exist. You or your employee representative may participate in an inspection, without loss of wages or benefits.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- File a complaint with L&I within 90 days if you believe your employer fired you, or retaliated or discriminated against you because you filed a safety complaint, participated in an inspection or any other safety-related activity.
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