# Your Employee Rights Under the **Family and Medical Leave Act**

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 U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a

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, and 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

leave intermittently in separate blocks of time, or on a reduced **schedule** by working less hours each day or week. Read Fact Sheet FMLA leave is not paid leave, but you may choose, or be required

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

by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

#### Am I eligible to take FMLA leave?

- You are an eligible employee if all of the following apply:
- 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

How do I request FMLA leave?

Follow your employer's normal policies for requesting leave.

You do not have to share a medical diagnosis but must provide

enough information to your employer so they can determine whether

the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the

Your employer may request certification from a health care provide

to verify medical leave and may request certification of a qualifying

bargaining agreement that provides greater family or medical leave

State employees may be subject to certain limitations in pursuit of

direct lawsuits regarding leave for their own serious health conditions

Most federal and certain congressional employees are also covered

by the law but are subject to the jurisdiction of the U.S. Office of

The FMLA does not affect any federal or state law prohibiting

discrimination or supersede any state or local law or collective

· 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.

Generally, to request FMLA leave you must:

same reason when requesting additional leave.

Personnel Management or Congress.

- If you are eligible for FMLA leave, your **employer** <u>must</u>: You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50 employees
- during at least 20 workweeks in the current or previous calendar 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 II of the FMLA, administered by the Office of Personnel
  - Your employer cannot interfere with your FMLA rights or threater or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation
  - After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in
  - About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected

### Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD





WH1420 REV 04/23

lef.: 29 CFR §825.300

#### on the same basis as if you had not taken leave, and

- Allow you to take job-protected time off work for a qualifying Continue your group health plan coverage while you are on leave
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including To file a claim online, visit RAclaims.sd.gov 24 hours a day, seven days a week. shift and location, at the end of your leave

 Available for full-time work, and · Meet certain eligibility requirements.

- To file a claim by phone, call the Claims Call Center at 605.626.3179. Monday through Friday, 8 a.m. to 4:20 p.m. (Central Time). Applicants with speech or hearing impairments can call 711 or 800.877.1113.
  - You will need to provide the following information for DLR to process your claim: Full legal name
  - · Social Security Number
  - Driver's license number or State ID number Employment history for the last 18 months
  - Authorization to work (if you are not a U.S. citizen or resident)
  - Employees working less than full time or who become totally unemployed, if available for work, should register for work at one of the Job Service offices listed below. View an office directory at www.sdjobs.org.

 Madison Sioux Falls Watertown Brookings Mitchell Spearfish (Sisseton) Vermillion Pierre Winner Huron Lake Andes Rapid City

If you have questions about the status of your RA claim, you can call the Customer

**Sample Sexual Harassment Policy** 

ensuring that the workplace is free from sexual harassment. Because of

behavior at work, all employees must avoid any action or conduct which could be

Sexual harassment includes unwelcome sexual advances, requests for sexual

favors, and other verbal or physical conduct of a sexually harassing nature, when:

(1) submission to the harassment is made either explicitly or implicitly a term or

condition of employment; (2) submission to or rejection of the harassment is used

as the basis for employment decisions affecting the individual; or (3) the harassment

has the purpose or effect of unreasonably interfering with an individual's work

performance or creating an intimidating, hostile, or offensive working environment.

Any employee who has a complaint of sexual harassment at work by anyone.

including supervisors, co-workers or visitors, should first clearly inform the harasser

that his/her behavior is offensive or unwelcome and request that the behavior

stop. It the behavior continues, the employee must immediately bring the mattei

to the attention of his/her supervisor. If the immediate supervisor is involved in the

harassing activity, the violation should be reported to that supervisor's immediate

supervisor, the department personnel officer, or the employee relations coordinator,

If a supervisor or personnel officer knows of an incident of sexual harassment, they shall take appropriate remedial action immediately. If the alleged harassment involves any types of threats of physical harm to the victim, the alleged harasser may be suspended with pay. During such suspension, an investigation will be conducted by (\_\_\_\_\_\_). If the investigation supports charges of business/organization name

sexual harassment, disciplinary action against the alleged harasser will take place

and may include termination. If the investigation reveals that the charges were

brought falsely and with malicious intent, the charging party may be subject to

If an employee is dissatisfied with management's response to his/her complaint,

he/she may contact the South Dakota, Department of Labor and Regulation,

south dakota department of labor and regulation

business/organization name ) that all employees are responsible for

\_\_) strong disapproval of offensive or inappropriate sexual

Service Center at 605.626.2452, email <u>DLRRADivision@state.sd.us</u>, or log in to

your account. PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

viewed as sexual harassment.

who can be reached at (\_

disciplinary action, including termination.

Division of Human Rights at (605) 773-3681.

SOUTH DAKOTA Reemployment Assistance Division DEPT. OF LABOR 420 S Roosevelt St | PO Box 4730 & **REGULATION** Aberdeen, SD 57402-4730

# **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.

**PROHIBITIONS** 

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

**EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective

pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer

employees of security service firms (armored car, alarm, and guard), and of

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

**ENFORCEMENT** 

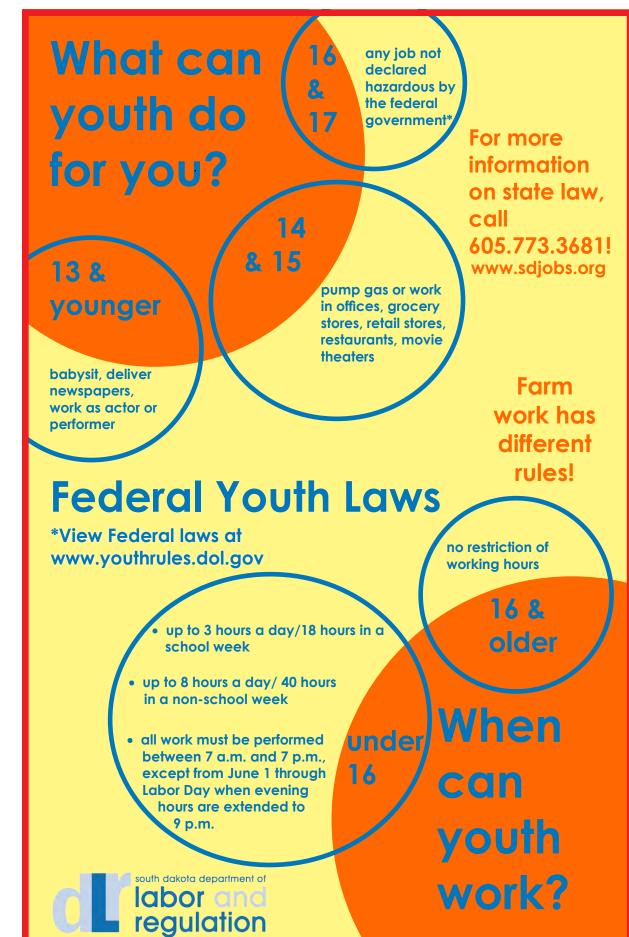
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test 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 actions.

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





All workers have the right to:

Raise a safety or health concern with

Receive information and training on

job hazards, including all hazardous

Request a confidential OSHA inspection

of your workplace if you believe there are

unsafe or unhealthy conditions. You have

the right to have a representative contact

Participate (or have your representative)

speak in private to the inspector.

• File a complaint with OSHA within

See any OSHA citations issued to

Request copies of your medical

This poster is available free from OSHA.

Contact OSHA. We can help.

records, tests that measure hazards

in the workplace, and the workplace

30 days (by phone, online or by mail)

if you have been retaliated against for

participate) in an OSHA inspection and

substances in your workplace.

related injury or illness, without being

your employer or OSHA, or report a work-

A safe workplace.

retaliated against.

OSHA on your behalf.

using your rights.

injury and illness log.

your employer.

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### Division of Human Rights

### Sexual Harassment

What you need to know.

Sexual harassment on the job is becoming more unacceptable to victims and a liability for management.

### WHAT IS SEXUAL HARRASMENT?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. A hostile environment can be developed from repeated, offensive physical actions, verbal comments, hazing or graphic or written displays which affect an employee's

What should you do, if you feel you are victim of sexual harassment? PLAN OF ACTION FOR VICTIMS

Make clear what actions are offensive to you. Speak to the offender about the behavior which is offensive to you.

Document actions if possible. If the behavior does not stop, contact the Division of Human Rights

**FILING A COMPLAINT** If you feel you have been a victim of discrimination, you may contact the Division of

The Division investigates complaints of discrimination filed with the office. If it finds the complaint is justified, it will attempt to settle the situation through conciliation If these attempts fail, a hearing may be held by the Commission of Human Rights. **EMPLOYER LIABILITIES** The employer has a responsibility to maintain a workplace free of sexual harassment.

Once an employer is informed of a harassment situation, the employer must take action to investigate and resolve the situation. If the harasser is in a supervisory position and harasses a subordinate, the employers may have liability whether they have actual knowledge of the behavior or not.

Any person who files a charge of discrimination, testifies, assists or participates in any way in an investigation, hearing, or any other proceeding conducted by the Division of Human Rights is protected by law against reprisal by any person, employer, employment agency, labor organization, landlord, or other covered individual or organization.

### OTHER TYPES OF HARASSMENT

**Job Safety and Health** 

IT'S THE LAW!

Provide employees a workplace free from

rights under the law, including raising a

with OSHA, or reporting a work-related

Comply with all applicable OSHA standards.

workplace fatality or within 24 hours of

Provide required training to all workers

Prominently display this poster in the

Post OSHA citations at or near the

place of the alleged violations.

On-Site Consultation services are

programs in every state.

available to small and medium-sized

employers, without citation or penalty,

through OSHA-supported consultation

in a language and vocabulary they can

any work-related inpatient hospitalization,

Notify OSHA within 8 hours of a

amputation, or loss of an eye.

health and safety concern with you or

recognized hazards. It is illegal to retaliate

against an employee for using any of their

**Employers must:** 

injury or illness.

understand.

workplace.

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

The South Dakota Human Relations Act prohibits harassment on the basis of race, sex, The areas of coverage are employment, housing, public accommodations, public Some other examples of harassment include a Name calling at work site which refer to a person's sex race religion, or disability; or

b. Racist or sexist statements displayed in a public accommodation which affect a person's ability to use and enjoy those according For more information call or write: Division of Human Rights 116 W. Missouri Ave. Pierre, South Dakota 57501

### PT. OF LABOR REGULATION

#### Tel: 605.773.3681 Auxiliary aids and services available upon request to individuals with disabilities. State and federal laws require the Department of Labor and Regulation to provide services to all qualified persons without regard to race, color, creed, religion, age, sex, ancestry political affiliation or belief, national origin, or disability.

## **SAFETY AWARENESS**

LABOR LAW

FEDERAL

**POLICY:** It is our policy to have a safe and healthful workplace. We have implemented an injury and illness prevention program for your protection and the protection of fellow workers.

GOAL: Our main goal is to prevent accidents and illnesses in the workplace. Employees and members of management are expected to follow all requirements of Federal, state and local governments to ensure a safe environment.

**COMMUNICATION:** We have made a commitment to provide a safe workplace and encourage you to make suggestions so that we can maintain a policy of prevention. If you have any questions, please contact the following persons in charge

**SAFETY DIRECTOR:** 

PHONE:

**SAFETY SUPERVISOR:** 

**SAFETY** 

### **MEETINGS** Employees will meet on a regular basis to receive safety training and information

about our company's safety policies and procedures. All meetings are mandatory and will be conducted as follows:

### **EMERGENCY NUMBERS CALL 911**

POLICE: AMBULANCE:

PHYSICIAN:

**HOSPITAL:** FIRE DEPARTMENT:

POISON CONTROL:

OSHA:

### **PAY DAY NOTICE**

☐ FRIDAY

☐ SEMI MONTHLY

☐ MONTHLY

#### **PAY DAY IS ON:** ☐ MONDAY

- ☐ TUESDAY ■ WEDNESDAY
- SATURDAY □ SUNDAY ☐ THURSDAY
- **PAY SCHEDULE IS:** ■ WEEKLY
- □ BIWEEKLY

**PAYCHECKS ARE ISSUED ON THE:** 

Reemployment Assistance (RA) law. Benefits are available to workers who become unemployed or whose working hours are reduced to less than full time, if

for misconduct, or refuse to accept suitable work may be denied benefits.

Employees in this establishment are covered under the South Dakota

**Notice to Employees:** 

**Availability of Unemployment Compensation** 

Employees who voluntarily quit without good cause, are discharged or suspended

You may file an RA claim in the first week employment ends or hours are reduced.

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

**OVERTIME PAY** At least 1½ times the 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

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit

of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an

based on tips received by their employees. Employers must pay tipped employees a cash wage

employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equa

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

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

from view and free from intrusion from coworkers and the public, which may be used by the

certain work hours restrictions. Different rules apply in agricultural employment.

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

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

FEDERAL MINIMUM WAGE

The law requires employers to display this poster where employees can readily see it. 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. Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. INFORMATION Special provisions apply to workers in American Samoa, the Comm

Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both. 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 Certain full-time students, student learners, apprentices, and workers with disabilities may be



#### LISTS OF ACCEPTABLE DOCUMENTS All documents must be UNEXPIRED

The American Policy Is Our Policy

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

	LIST A			LIST B		LIST C
	Documents that Establish Both Identity and Employment Authorization	OR		Documents that Establish Identity	AND	Documents that Establish Employment Authorization
1.	U.S. Passport or U.S. Passport Card	1		Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph	1.	A Social Security Account Number card, unless the card includes one of the following restrictions:
2.	Permanent Resident Card or Alien Registration Receipt Card (Form I-551)					
3	Foreign passport that contains a		or information such as name, date of birth, gender, height, eye color, and address			(1) NOT VALID FOR EMPLOYMENT
	temporary I-551 stamp or temporary I-551 printed notation on a machine-readable		2.			(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION
	immigrant visa			it contains a photograph or information such as name, date of birth, gender,		(3) VALID FOR WORK ONLY WITH DHS
4.	Employment Authorization Document that contains a photograph (Form I-766)	3. 4. 5. 6. 7. 8. 9.	height, eye color, and address		AUTHORIZATION	
5.	For a nonimmigrant alien authorized to work for a specific employer because of his or her status:  a. Foreign passport; and		3.	School ID card with a photograph	3.	Certification of report of birth issued by the Department of State (Forms DS- 1350, FS-545, FS-240)
			4.	Voter's registration card		
			5.	U.S. Military card or draft record		Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal.
	b. Form I-94 or Form I-94A that has the following:		6.	Military dependent's ID card		
			7.	U.S. Coast Guard Merchant Mariner Card		
	(1) The same name as the passport; and		8.	Native American tribal document	4.	
			9.	9. Driver's license issued by a Canadian	5.	U.S. Citizen ID Card (Form I-197)
	(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		government authority		6.	Identification Card for Use of Resident Citizen in the United States (Form I-179)
				For persons under age 18 who are unable to present a document listed above:	7.	Employment authorization document issued by the Department of Homeland
			10	10. School record or report card		Security
			11.	. Clinic, doctor, or hospital record		
6.	Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free		12	. Day-care or nursery school record		

Examples of many of these documents appear in the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

#### Guidelines to Federal Child Labor Laws **Youth Minimum Wage Program**

Work as a ride attendant or ride operator at an amusement park or a

Lifequarding at a natural environment such as a lake, river, ocean

beach, quarry, pond (youth must be at least 15 years of age and

properly certified to be a lifeguard at a traditional swimming pool of

Workrooms where products are manufactured, mined or processed;

Cooking, except with gas or electric grills that do not involve cooking over an open flame and with deep fat fryers that are equipped with

and utilize devices that automatically lower and raise the baskets in

Operating, setting up, adjusting, cleaning, oiling, or repairing power-

Freezers or meat coolers work, except minors may occasionally

Loading or unloading goods on or off trucks, railcars or conveyors

Meat processing and work in areas where meat is processed;

The jobs 14- and 15-year-old workers may legally perform are

Outside window washing that involves working from window sills;

All work involving the use of ladders, scaffolds, or similar equipment;

Cashiering, selling, modeling, art work, advertising, window trimming,

Pricing and tagging goods, assembling orders, packing, or shelving;

Clean-up work and grounds maintenance—the young worker may

use vacuums and floor waxers, but he or she may not use power-

amusement park if at least 15 years of age and properly certified

Kitchen and other work in preparing and serving food and drinks, but

Cooking with gas or electric grills that do not involve cooking over an

open flame and with deep fat fryers that are equipped with and utilize

devices that automatically lower and raise the baskets in and out of

Clean cooking equipment, including the filtering, transporting and

Pumping gas, cleaning and hand washing and polishing of cars and

trucks (but the young worker may not repair cars, use garage lifting

Wrapping, weighing, pricing, stocking any goods as long as he or

Riding in the passenger compartment of a motor vehicle except

when a significant reason for the minor being a passenger in the

vehicle is for the purpose of performing work in connection with the

transporting—or assisting in the transporting of—other persons or

agriculture on a farm if the farm is not required to pay the Federal

minimum wage. Under the FLSA, "small" farms are exempt from

Delivery work by foot, bicycle, or public transportation

she doesn't work where meat is being prepared and doesn't work in

dispensing of oil and grease, but only when the surfaces of the

Work as a lifeguard at a traditional swimming pool or water

only limited cooking duties and no baking (see below);

enter a freezer for a short period of time to retrieve items

Maintenance or repair of a building or its equipment;

Warehouse work, except office and clerical work

Work of an intellectual or artistically creative nature;

Bagging and carrying out customer's orders;

driven mowers, cutters, and trimmers;

Cleaning fruits and vegetables;

the hot grease or oil;

freezers or meat coolers;

driven food slicers, grinders, choppers or cutters and bakery mixers;

A minimum wage of not less than \$4.25 may be paid to employees under the age of 20 for their first 90 consecutive calendar days of employment with any employer as long as their work does not displace other workers. After 90 consecutive days of employment, or when the worker reaches age 20 (whichever comes first), the worker must receive at least the Federal minimum wage

dispatcher" at the top of elevated water slides

Poultry catching or cooping;

water amusement park)

Public messenger jobs;

Warehousing and storage

Transporting persons or property:

except in very limited circumstances.

Office and clerical work;

or comparative shopping;

Youth peddling, sign waving, or door-to-door sales

Boiler or engine room work, whether in or about;

#### Hour restrictions for non-agricultural employees

14 years old is the minimum age for non-agricultural employment covered by the FLSA. The <u>basic rules</u> for when and where a youth may

Youth 18 years or older may perform any job, whether hazardous or Youth 16 or 17 years old may perform any non-hazardous job for

Association Between the United States

and the FSM or RMI

Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs. They cannot

More than 3 hours a day on school days, including Fridays; More than 8 hours a day on non-school days;

More than 40 hours per week when school is not in session Also, 14- and 15-year-olds may not work before 7:00 a.m., nor after 7:00 p.m., except from June 1 through Labor Day, when their permissible hours are extended to 9:00 p.m. Under a special provision youth 14 and 15 years old who are enrolled in an approved Work

Experience and Career Exploration Program may be employed for up

to 23 hours during school weeks and 3 hours on school days (including

The child labor rules that apply to non-agricultural employment depend

#### **Prohibited Occupations for Non-**Agricultural Employees

on the age of the young worker and the kind of job to be performed. 14 years old is the minimum age for non-agricultural employment covered by the FLSA. In addition to restrictions on hours, the Secretary of Labor has found that certain jobs are too hazardous for anyone under 18 years of age to perform. There are additional restrictions on where and in what jobs 14- and 15-year-olds can work. These rules must be followed unless one of the FLSA's child labor exemptions apply. A youth 18 years or older may perform any job, whether hazardous

A youth 16 or 17 years old may perform any non-hazardous job. (See the list of hazardous occupations) A youth 14 and 15 years old may not work in the manufacturing or

mining industries, or in any hazardous job. (See the list of hazardous

occupations) In addition, a 14- or 15-year-old may not work in the The child labor rules also determine what types of jobs a youth may or

A 14- or 15-year-old may not work in:

Hazardous jobs identified by the Secretary of Labor; Communications or public utilities jobs; Construction or repair jobs:

Operating or assisting in operating power-driven machinery or

### Hour restrictions for agricultural employees

Once a young person turns 16 years old, he or she can work on any day, for any number of hours and in any job in agriculture. A youth 14 or 15 years old can work in agriculture, on any farm,

The hours restrictions are the same for all youth, migrant children as

but only during hours when school is not in session and only in non-If the youth is 12 or 13 years of age, he or she can only work in agriculture on a farm if a parent has given written permission, or a

parent is working on the same farm. Again, the work can only be performed during hours when school is not in session and in nonhazardous jobs. If the youth is younger than 12, he or she can only work in

agriculture on a farm if the farm is not required to pay the Federal minimum wage. Under the FLSA, "small" farms are exempt from the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small " workers under 12 years of age

can be employed in non-hazardous jobs, but only during hours when

school is not in session, and only with a parent's permission

#### **Prohibited Occupations for Agricultural Employees**

The rules are the same for all youth, migrant children as well as local resident children. In addition to restrictions on hours, the Secretary of Labor has found that certain jobs in agriculture are too hazardous for Once a young person turns 16 years old, he or she can do any job

A youth 14 or 15 years old can work in agriculture, on any farm, but

What Organizations are Covered?

The child labor rules that apply to agricultural employment depend on the age of the young worker and the kind of job to be performed

A youth 12 or 13 years of age can only work in agriculture on a farm HO/A #4\* if a parent has given written permission or if a parent is working on

the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small," workers under 12 years of age can only be employed with a parent's permission and only in nonhazardous jobs. **Hazardous Occupations** The Secretary of Labor has found that the following agricultural

• If the youth is younger than 12, he or she can only work in

### youth under 16 years of age may be employed at any time in any of

these hazardous occupations in agriculture (HO/A) unless specifically exempt. Exemptions (\*) will apply to HO/A #1 through #6 under limited HO/A #1\* Operating a tractor of over 20 PTO (Power-Take-Off) horsepower, or connecting or disconnecting implements or

HO/A #2\* Operating or helping to operate any of the following machines (operating includes starting, stopping, adjusting, or feeding the machine or any other activity involving physical contact with the machine): (a) Corn picker, cotton picker, grain combine, hay mower

unloading wagon or trailer; or, (c) Power post-hole digger, power post driver, or

nonwalking-type rotary tiller HO/A #3\* Operating, or assisting to operate any of the following machines (operating includes starting, stopping, adjusting or feeding the machine, or any other activity involving (a) Trencher or earthmoving equipment:

forage harvester, hay baler, potato digger, or mobile pea (b) Feed grinder, crop dryer, forage blower, auger conveyor,

(c) Potato combine; or (d) Power-driven circular, band, or chain saw. Working on a farm in a yard, pen, or stall occupied by a:

HO/A #6\* Working from a ladder or scaffold at a height of over 20 feet (working includes painting, repairing, or building structures. HO/A #7 Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper

Loading and unloading onto and from motor vehicles, the hand tools

Eighteen is the minimum age for employment in non-agricultural

occupations declared hazardous by the Secretary of Labor. The rules

ndustry basis, or on an occupational basis no matter what industry

same rules. General exemptions apply to all of these occupations,

while limited apprentice/student-learner exemptions apply to those

Manufacturing and storing of explosives

Power-driven woodworking machines

Exposure to radioactive substances

Power-driven hoisting apparatus.

Mining, other than coal mining.

Power-driven bakery machines.

abrasive cutting discs.

HO 17.\* Excavation operations.

reviewing the child labor regulations.

Complete Child Labor Exemptions

**Agriculture** 

power-driven meat slicing machines).

These rules prohibit work in, or with the following:

prohibiting working in hazardous occupations (HO) apply either on an

the job is in. Parents employing their own children are subject to these

Driving a motor vehicle and being an outside helper on a

Forest fire fighting and fire prevention, timber tract

management, forestry services, logging, and saw mill

Power-driven metal-forming, punching, and shearing

Balers, compactors, and paper-products machines.

chain saws, reciprocating saws, wood chippers, and

Wrecking, demolition, and shipbreaking operations.

Roofing operations and all work on or about a roof.

You can obtain more detail about any, or all of the above listings, by

**Exemptions from Child Labor Rules in Non-**

The Fair Labor Standards Act provides for certain exemptions. Youth

younger than 16 years of age working in nonagricultural employment

in a business solely owned by their parents or by persons standing in

place of their parents, may work any time of day and for any number of hours. However, parents are prohibited from employing their child

in manufacturing or mining or in any of the occupations declared

Youth employed as actors or performers in motion pictures,

Youth engaged in the delivery of newspapers to consumers; and

HO/A #5\* Loading, unloading, felling, bucking, or skidding timber with

a butt (large end) diameter of more than 6 inches

Youth working at home in the making of wreaths composed of natural

holly, pine, cedar, or other evergreens (including the harvesting of the

(b) Sow with suckling pigs, or cow with newborn calf with

In addition, the child labor rules do **not** apply to:

theatrical, radio, or television productions:

umbilical cord present.

Power-driven circular saws, band saws, guillotine shears,

Manufacturing brick, tile, and related products.

Meat and poultry packing or processing (including the use of

**Hazardous Occupations** 

occupations marked with an \*

occupations.

HO 4.

(a) A fruit, forage (feed), or grain storage structure designed to retain an oxygen deficient or toxic atmosphere - for example, a silo where fruit is left to ferment; (b) An upright silo within 2 weeks after silage (fodder) has

been added or when a top unloading device is in operating (c) A manure pit; or (d) A horizontal silo while operating a tractor for packing HO/A #9 Handling or applying agricultural chemicals if the chemicals are classified under the Federal Insecticide, Fungicide and

Rodenticide Act as Toxicity Category I -- identified by the word "Danger" and/or "Poison" with skull and crossbones or Toxicity Category II -- identified by the word "Warning" on the label. (Handling includes cleaning or decontaminating equipment, disposing of or returning empty containers, or serving as a flagman for aircraft applying agricultural

HO/A #10 Handling or using a blasting agent including, but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps and primer cord. HO/A #11 Transporting, transferring, moving, or applying anhydrous ammonia (dry fertilizer).

More detail about the above listings can be obtained by reviewing the

child labor regulations. **Exemptions from Child Labor Rules in** <u>Agriculture</u>

**Complete Child Labor Exemptions** in agriculture on a farm owned or operated by their parent or persor

standing in place of their parent.

# Know Your Rights: Workplace Discrimination is Illegal

Asking About, Disclosing, or Discussing Pay cutive Order 11246, as amended, protects applicants and employees of tractors from discrimination based on inquiring about, disclosing, or dis r compensation or the compensation of other applicants or employees. What can You Do if You Believe Discrimination has Occurred?

an EEOC field office (information at www.eeoc.gov/field-office)

EMPLOYERS HOLDING FEDERAL CONTRACTS

Contact the EEOC promptly if you suspect discrimination. Do not delay, becaus here are strict time limits for filing a charge of discrimination (180 or 300 days, lepending on where you live/work). You can reach the EEOC in any of the individuals with orabinities in initiation in initiation in initiation, userial gy-pay, finge benefits, job traincision, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not makin 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

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity,

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-

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

PROGRAMS OR ACTIVITIES RECEIVING

FEDERAL FINANCIAL ASSISTANCE

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