# 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

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 Fact Sheet

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

### Am I eligible to take FMLA leave?

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

**PROHIBITIONS** 

**EXEMPTIONS** 

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 provided

to verify medical leave and may request certification of a qualifying

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

State employees may be subject to certain limitations in pursuit of

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

direct lawsuits regarding leave for their own serious health conditions

Most federal and certain congressional employees are also covered

**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.

**EXAMINEE** 

For more

information

on state law,

605.773.3681

www.sdjobs.org

Farm

work has

different

rules!

no restriction of

16 &

older

working hours

can

**ENFORCEMENT** 

· 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.

- 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 Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and You work for an elementary or public or private secondary school, Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including You work for a public agency, such as a local, state or federal shift and location, at the end of your leave 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 threaten

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

If you are eligible for FMLA leave, your **employer** <u>must</u>:

Allow you to take job-protected time off work for a qualifying

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

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

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

assess civil penalties against violators. Employees or job applicants may

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.

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

imployment. (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

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

If you feel you have been a victim of discrimination, you may contact the Division of

If these attempts fail, a hearing may be held by the Commission of Human Rights.

complaint is justified, it will attempt to settle the situation through conciliation

The Division investigates complaints of discrimination filed with the office. If it finds the

The employer has a responsibility to maintain a workplace free of sexual harassment.

If the harasser is in a supervisory position and harasses a subordinate, the employers

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

agency, labor organization, landlord, or other covered individual or organization.

The areas of coverage are employment, housing, public accommodations, public

Human Rights is protected by law against reprisal by any person, employer, employment

The South Dakota Human Relations Act prohibits harassment on the basis of race, sex,

a. Name calling at work site which refer to a person's sex, race, religion, or disability; or

PT. OF LABOR

REGULATION

b. Racist or sexist statements displayed in a public accommodation which affect a

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

may have liability whether they have actual knowledge of the behavior or not.

Once an employer is informed of a harassment situation, the employer must take action

Speak to the offender about the behavior which is offensive to you.

If the behavior does not stop, contact the Division of Human Rights

WHAT IS SEXUAL HARRASMENT?

or creating an intimidating, hostile or offensive working environment.

sexual harassment?

Document actions if possible.

**FILING A COMPLAINT** 

**EMPLOYER LIABILITIES** 

to investigate and resolve the situation.

OTHER TYPES OF HARASSMENT

Some other examples of harassment include:

person's ability to use and enjoy those acco

political affiliation or belief, national origin, or disability.

For more information call or write:

Division of Human Rights

Tel: 605.773.3681

**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.

116 W. Missouri Ave. Pierre, South Dakota 57501

PLAN OF ACTION FOR VICTIMS

Make clear what actions are offensive to you.

results disclosed to unauthorized persons.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

also bring their own court actions.





lef.: 29 CFR §825.300

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

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

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

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

The law does not preempt any provision of any State or local law or any

any job not

hazardous by

declared

the federal

governmen

pump gas or work

in offices, grocery

stores, retail stores,

restaurants, movie

theaters

collective bargaining agreement which is more restrictive with respect to lie

for refusing to take a test or for exercising other rights under the Act.

private individuals engaged in national security-related activities.

pharmaceutical manufacturers, distributors and dispensers.

& 15

Federal Youth Laws

up to 3 hours a day/18 hours in a

loss to the employer

What can

youth do

for you?

13 &

babysit, deliver

work as actor or

\*View Federal laws at

www.youthrules.dol.gov

school week

in a non-school week

up to 8 hours a day/ 40 hours

all work must be performed

between 7 a.m. and 7 p.m.

Labor Day when evening

9 p.m.

regulation

labor

hours are extended to

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.

except from June 1 through

newspapers,

performer

Personnel Management or Congress.

WH1420 REV 04/23

**Notice to Employees:** 

**Availability of Unemployment Compensation** 

Reemployment Assistance (RA) law. Benefits are available to workers who

Employees in this establishment are covered under the South Dakota

become unemployed or whose working hours are reduced to less than

Employees who voluntarily quit without good cause, are discharged or

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

To file a claim online, visit sd.gov/rabenefits 24 hours a day, seven

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

You will need to provide the following information for DLR to process

Authorization to work (if you are not a U.S. citizen or resident)

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

Customer Service Center at 605.626.2452, email DLRRAClaims@state.

PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

& **REGULATION** Aberdeen, SD 57402-4730

SOUTH DAKOTA Reemployment Assistance Division

DEPT. OF LABOR 420 S Roosevelt St | PO Box 4730

with speech or hearing impairments can call 711 or 800.877.1113.

suspended for misconduct, or refuse to accept suitable work may be

full-time, if they are: Able to work.

denied benefits.

Full legal name

Social Security Number

sd.us or log in to your account.

· Driver's license number or State ID number

Employment history for the last 18 months

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

business/organization name ) that all employees are responsible for ensuring that the workplace is free from sexual harassment. Because of

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

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, who can be reached at (\_

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

### **Sample Sexual Harassment Policy**

\_\_\_) strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be

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

disciplinary action, including termination. If an employee is dissatisfied with management's response to his/her complaint,



# FEDERAL LABOR LAW

# **SAFETY**

**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

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.

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:** 

PHONE:

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**

POLICE: AMBULANCE:

POISON CONTROL:

**PAYCHECKS ARE ISSUED ON THE:** 

viewed as sexual harassment.

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.

he/she may contact the South Dakota, Department of Labor and Regulation, Division of Human Rights at (605) 773-3681.



# **AWARENESS**

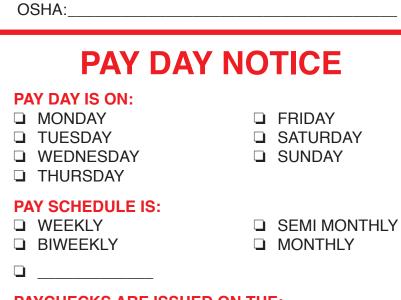
protection of fellow workers.

**COMMUNICATION:** We have made a commitment to provide a safe workplace

# **SAFETY MEETINGS**

# **CALL 911**

PHYSICIAN: **HOSPITAL:** FIRE DEPARTMENT:



## Employees may present one selection from List A

LIST B

**EMPLOYEE RIGHTS** 

UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE** 

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.

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

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.

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

LIST A

the minimum hourly wage, the employer must make up the difference

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

### **Youth Minimum Wage Program**

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

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

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

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

Clean cooking equipment, including the filtering, transporting and

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

Boiler or engine room work, whether in or about;

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;

employees

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

Youth 16 or 17 years old may perform any non-hazardous job for

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 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 permissible hours are extended to 9:00 p.m. Under a special provision outh 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

### **Prohibited Occupations for Non-**

The child labor rules that apply to non-agricultural employment depend 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 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 16 or 17 years old may perform any non-hazardous job. (See the list of hazardous occupations)

A youth 18 years or older may perform any job, whether 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:

### Hour restrictions for agricultural employees The hours restrictions are the same for all youth, migrant children as

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, 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

### **Agricultural Employees**

if a parent has given written permission or if a parent is working on the same farm as his or her child, and only in non-hazardous jobs.

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

The child labor rules that apply to agricultural employment depend

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

A youth 12 or 13 years of age can only work in agriculture on a farm HO/A #4\*

What Organizations are Covered?

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

## machines (operating includes starting, stopping, adjusting,

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

(a) Trencher or earthmoving equipment: (c) Potato combine; or (d) Power-driven circular, band, or chain saw.

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

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

occupations are hazardous for youths under 16 years of age. No

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

or feeding the machine or any other activity involving physical contact with the machine): (a) Corn picker, cotton picker, grain combine, hay mower forage harvester, hay baler, potato digger, or mobile pea (b) Feed grinder, crop dryer, forage blower, auger conveyor,

or feeding the machine, or any other activity involving

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 meat slicing machines).

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** 

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.



What can You Do if You Believe Discrimination has Occurred? 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

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

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.

Asking About, Disclosing, or Discussing Pay

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or

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### 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

workers who file a complaint or participate in any proceeding under the FLSA.

Special provisions apply to workers in American Samoa, the Comm

Mariana Islands, and the Commonwealth of Puerto Rico.

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 violation are determined to be willful or repeated. The law also prohibits retaliating against or discharging

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.

# The American Policy Is Our Policy

# LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED or a combination of one selection from List B and one selection from List C.

LIST C

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

Hour restrictions for non-agricultural Work as a ride attendant or ride operator at an amusement park or a Youth peddling, sign waving, or door-to-door sales

Marshall Islands (RMI) with Form I-94

under the Compact of Free Association

Between the United States and the FSM

indicating nonimmigrant admission

Youth 18 years or older may perform any job, whether hazardous or

More than 8 hours a day on non-school days;

# **Agricultural Employees**

by the FLSA. In addition to restrictions on hours, the Secretary of

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

Manufacturing, processing, and mining occupations; Operating or assisting in operating power-driven machinery or

Once a young person turns 16 years old, he or she can work on any

## **Prohibited Occupations for**

on the age of the young worker and the kind of job to be performed Once a young person turns 16 years old, he or she can do any job

an EEOC field office (information at www.eeoc.gov/field-office) EMPLOYERS HOLDING FEDERAL CONTRACTS 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