SKU: CO2-27X40-ENG

# Occupational Safety and Health Administration Job Safety and Health IT'S THE LAW!

### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Reguest 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 OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.

speak in private to the inspector.

- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

### **Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

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



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

### Employers subject to the state minimum wage law are obligated to pay the higher rate

classified independent contractors are not.

issued by the Department of Labor.

### **Federal Minimum Wage**

\$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY:** At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek.

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

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order

for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. ENFORCEMENT: The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other

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

ADDITIONAL INFORMATION: · Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. • Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must 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 pay protections and correctly

• Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

## **Equal Employment Opportunity**

**Equal Employment Opportunity is THE LAW** • Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations Applicants to and employees of most private employers, state and local governments, educational institutions, employment

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or nationa origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

agencies and labor organizations are protected under Federal law from discrimination on the following base:

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. **GENETICS (GINA ACT)** 

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members. RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice. WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your righ

to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov. **Employers Holding Federal Contracts or Subcontracts** 

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion,

discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level. DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS (PROTECTED VETERANS)

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. RETALIATION Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes

discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP

regional or district office, listed in most telephone directories under U.S. Government, Department of Labor. **Programs or Activities Receiving Federal Financial Assistance** 

RACE, COLOR, NATIONAL ORIGIN, SEX INDIVIDUALS WITH DISABILITIES 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

Pro**Service** Hawaii

TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.COM

HR that powers your business

MONTHLY

AMBULANCE:

HOSPITAL:

**ALTERNATE:** 

discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. **INDIVIDUALS WITH DISABILITIES** Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion,

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

## **Payday Notice**

**SEMI-MONTHLY** 

Colorado Payday Law Title 8, Article 4-107 requires Colorado employers to pay their employees who are exempt from the over time provisions of the Fair Labor Standards Act of 1938 at least once per month and on regular paydays no later than ten days following the close of each pay period unless the employer and employee shall mutually agree on any other alternative period of wage or salary payments.

Scheduled Paydays: (You must indicate date or date of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

WEEKLY	OTHER
TIME OF PAYMENT	PLACE OF PAYMENT
TO EMPLOYERS: Colorado law requires that this notice or its equivalent be posted (in full view) at your business.	

### FIRE-RESCUE PHYSICIAN:

**Emergency Notice** 

POLICE: **HAZARDOUS MATERIAL** 





**EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS: Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period • The birth of a child or placement of a child for adoption or foster care;

• For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made

unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. ELIGIBILITY REQUIREMENTS: An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee Have worked for the employer for at least 12 months;

 Have at least 1,250 hours of service in the 12 months before taking leave;\* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. \*Special "hours of service" requirements apply to airline flight crew employees.

• For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

• To bond with a child (leave must be taken within 1 year of the child's birth or placement);

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

REQUESTING LEAVE: Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES: Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA,

the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. **ENFORCEMENT:** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division

### **USERRA**

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### REEMPLOYMENT RIGHTS

conclusion of service; and

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of you have five years or less of cumulative service in the uniformed services while with that particular employer; you return to work or apply for reemployment in a timely manner after

FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

· you have not been separated from service with a disqualifying discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION • are a past or present member of the uniformed service; • have applied for membership in the uniformed service: or

 are obligated to serve in the uniformed service; then an employer may not deny you: · initial employment; reemployment; • retention in employment; promotion: or

• any benefit of employment because of this status.

HEALTH INSURANCE PROTECTION If you leave your job to perform military service, you have the right to elect

to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA

• For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at <a href="http://www.dol.gov/elaws/userra.htm">http://www.dol.gov/elaws/userra.htm</a>. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



for the job) against which the productivity of a worker with a disability is measured.

must receive the full fringe benefits listed on the wage determination.







### EMPLOYEE RIGHTS FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

to pay special minimum wages to workers with disabilities applies to work covered by the Fair Labor Standards Act (FLSA), McNamara-O'Hara Service Contract Act (SCA), and/or Walsh-Healey Public Contracts Act (PCA). Such special minimum wages are referred to as "commensurate wage rates" and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of \$5.85 per hour beginning July 24, 2007, \$6.55 per hour beginning July 24, 2008, and \$7.25 per hour beginning July 24, 2009. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.

This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority

**Disability Minimum Wage** 

**WORKERS WITH DISABILITIES** For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

• An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be • Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt o welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation. KEY ELEMENTS OF COMMENSURATE WAGE RATES

· Nondisabled worker standard—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity

Prevailing wage rate—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work. • Evaluation of the productivity of the worker with a disability—Documented measurement of the production of the worker with a disability (in terms of quantity and quality). The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased. OVERTIME Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1 times your regular rate of pay for all hours worked over 40 in a workweek.

Minors younger than 18 years of age must be employed in accordance with the youth employment provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract. **FRINGE BENEFITS** Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). Workers paid under a certificate authorizing commensurate wage rates

**WORKER NOTIFICATION** Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed. Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review

of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it. For additional information: 1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor • Employment Standards Administration • Wage and Hour Division

## **Polygraph Protection**

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

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

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

**EXAMINEE RIGHTS** 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

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector

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

1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR





## **Colorado Employment Security Act**

**NOTICE TO WORKERS** YOU HAVE THE RIGHT TO BE: Properly classified as an employee or an independent contractor Paid accurately and timely for the services you perform There are resources available to you if you believe you are being subject to If you become unemployed and wish to file for unemployment insurance improper classification or inaccurate payment practices by your employer.

Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers' compensation purposes. As a worker, you have certain rights as an employee vs. independent contractor.

For more information, go to WorkRight.cdle.co.

Improper classification (often called misclassification) of employees as independent contractors and other labor law violations create many problems, both for law-abiding businesses and for workers in Colorado. If you believe you have been improperly classified as an independent contractor and are really performing duties that fit the criteria of an employee, visit **colorado.gov/cdle/TipForm**, or call us at 303-318-9100 and select Option 4. To be classified as an employee, you must meet the

criteria in Colorado Revised Statute 8-70-115. You can read the law online

and find out more at coloradoui.gov/ProperClassification.

As an employee, you are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

benefits, go to coloradoui.gov and click on File a Claim. If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits. If you cannot access a computer, call one of the following numbers: 303-

area); hearing impaired 303-318-9016 (TDD Denver-metro area) or 1-800-894-7730 (TDD outside Denver-metro area). EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE

318-9000 (Denver-metro area) or 1-800-388-5515 (outside Denver-metro

Colorado Employment Security Act, 8-74-101(2); Regulations Concerning Employment Security 7.3.1 through 7.3.5

coloradoui.gov/employer, then click on Forms / Publications.

## **Hazard Communication SDS**

Employers can download copies of this poster at

new SDSs to be in a uniform format, and include the section numbers, the headings, and associated information under the headings below: Section 1, Identification includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended

Section 2, Hazard(s) identification includes all hazards regarding the chemical; required label elements. Section 3, Composition/information on ingredients includes information on chemical ingredients; trade secret claims.

Section 7, Handling and storage lists precautions for safe handling and storage, including incompatibilities.

Section 4, First-aid measures includes important symptoms/effects, acute, delayed; required treatment. Section 5, Fire-fighting measures lists suitable extinguishing techniques, equipment; chemical hazards from fire. Section 6, Accidental release measures lists emergency procedures; protective equipment; proper methods of containment and cleanup.

Section 8, Exposure controls/personal protection lists OSHA's Permissible Exposure Limits (PELs); ACGIH Threshold Limit Values (TLVs); and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the SDS where available as well as appropriate engineering controls; personal protective equipment (PPE). Section 9, Physical and chemical properties lists the chemical's characteristics.

The Hazard Communication Standard (HCS) requires chemical manufacturers, distributors, or importers to provide Safety Data Sheets (SDSs) (formerly

known as Material Safety Data Sheets or MSDSs) to communicate the hazards of hazardous chemical products. As of June 1, 2015, the HCS will require

Section 10, Stability and reactivity lists chemical stability and possibility of hazardous reactions. Section 11, Toxicological information includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.

Section 16, Other information, includes the date of preparation or last revision.

Section 12, Ecological information\* Section 13, Disposal considerations\* Section 14, Transport information\* Section 15, Regulatory information\*

> Employers must ensure that SDSs are readily accessible to employees. See Appendix D of 1910.1200 for a detailed description of SDS contents

MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILITY

\*Note: Since other Agencies regulate this information, OSHA will not be enforcing Sections 12 through 15 (29 CFR 1910.1200(g)(2)).

### **State Minimum Wage**

**COLORADO MINIMUM WAGE ORDER 35 POSTER** 

DIVISION OF LABOR STANDARDS AND STATISTICS

In addition to state minimum wage requirements, there are also federal minimum

wage laws, the law which provides a higher minimum wage or sets a higher

wage requirements. If an employee is covered by both state and federal minimum

working conditions for covered employees in the following industries: Retail and

Minimum wage shall be paid to all adult employees and emancipated minors

Service, Commercial Support Service, Food and Beverage, and Health and Medical.

whether employed on an hourly, piecework, commission, time, task, or other basis.

Any consecutive twenty-four (24) hour period starting with the same hour each day

and the same hour as the beginning of the workweek. The workday is set by the

Any consecutive seven (7) day period starting with the same calendar day and

hour each week. A workweek is a fixed and recurring period of 168 hours, seven (7)

Employees shall be paid time and one-half of the regular rate of pay for any work in

excess of: (1) forty (40) hours per workweek; (2) twelve (12) hours per workday; or

(3) twelve (12) consecutive hours without regard to the starting and ending time of

the workday (excluding duty free meal periods), whichever calculation resultsin the

greater payment of wages. Hours worked in two or more workweeks shall not be

averaged for computation of overtime. Performance of work in two or more positions

at different pay rates for the same employer shall be computed at the overtime rate

based on the regular rate of pay for the position in which the overtime occurs, or

at a weighted average of the rates for each position, as provided in the Fair Labor

A tipped employee is defined as any employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month in tips. Tips

Nothing herein contained shall prevent an employer covered hereby from requiring

employees to share or allocate such tips or gratuities on a pre-established basis

among other employees of said business who customarily and regularly receive

tips. Employer-required sharing of tips with employees who do not customarily

employer and may accommodate flexible work shift scheduling.

This minimum wage shall be paid to employees who receive the state or federal

\$12.00 per hour effective January 1, 2020 \$11.10 per hour effective January 1, 2019

\$10.20 per hour effective January 1, 2018

\$9.30 per hour effective January 1, 2017

consecutive twenty-four (24) hour periods.

TIPPED EMPLOYEE MINIMUM WAGE

\$8.98 per hour effective January 1, 2020

\$8.08 per hour effective January 1, 2019

\$7.18 per hour effective January 1, 2018

\$6.28 per hour effective January 1, 2017

limitations on lifting;

light duty, if available

Adverse action prohibited

iob restructurina:

WORKDAY

**OVERTIME** 

and regularly receive tips, such as management or food preparers, or deduction of COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT credit card processing fees from tipped employees, shall nullify allowable tip credits

towards the minimum wage authorized in section 3(c). No more than \$3.02 per hour in tip income may be used to offset the minimum wage of tipped employees. Every employer shall authorize and permit rest periods, which insofar as practicable, shall be in the middle of each four (4) hour work period. A compensated ten (10)

permitted for all employees. Such rest periods shall not be deducted from the employee's wages. It is not necessary that the employee leave the premises for said Colorado Minimum Wage Order Number 35 regulates wages, hours, overtime, and Employees shall be entitled to an uninterrupted and "duty free" meal period of

minute rest period for each four (4) hours or major fractions thereof shall be

at least a thirty minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. When the nature of the business activity or other

circumstances exist that makes an uninterrupted meal period impractical, the employee shall be permitted to consume an "on-duty" meal while performing duties. Employees shall be permitted to fully consume a meal of choice "on the job" and be fully compensated for the "on-duty" meal period without any loss of time or

Where the wearing of a particular uniform or special apparel is a condition of employment, the employer shall pay the cost of purchases, maintenance, and cleaning of the uniforms or special apparel. If the uniform furnished by the employer is plain and washable and does not need or require special care such as ironing, dry cleaning, pressing, etc., the employer need not maintain or pay for cleaning. An employer may require a reasonable deposit (up to one-half of actual cost) as security for the return of each uniform furnished to employees upon issuance of a receipt to the employee for such deposit. The entire deposit shall be returned to the employee when the uniform is returned. The cost of ordinary wear and tear of

a uniform or special apparel shall not be deducted from the employee's wages or

of such minimum wage, together with reasonable attorney fees and court costs.

include amounts designated as a "tip" by credit card customers on their charge slips. MUST BE POSTED IN AN AREA FREQUENTED BY EMPLOYEES WHERE IT

MAY BE EASILY READ www.colorado.gov/cdle/labor | 303-318-8441 | 1-888-390-7936

NOTICE FOR EMPLOYERS TO USE IN ORDER TO BE IN COMPLIANCE WITH HB 16-1438 (PREGNANCY ACCOMMODATIONS):

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth, or a related condition.

or employee's job unless the accommodation would impose an undue hardship on the employer's business. The Act identifies reasonable accommodations as including, but not limited to: provision of more frequent or longer break periods: more frequent restroom, food, and water breaks; acquisition or modification of equipment or seating;

 assistance with manual labor; or modified work schedule The Act prohibits requiring an applicant or employee to accept an accommodation that the applicant or employee has not requested or an accommodation that is unnecessary for the applicant or the employee to perform the essential functions of the job. An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not

expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer: · the nature and cost of accommodation; the overall financial resources of the employer; • the overall size of the employer's business;

employment opportunities to an applicant or employee based on the need to make a reasonable accommodation. This written notice must be posted in a conspicuous area of the workplace. Employers must also provide written notice to new employees at the start of employment and to current employees within 120 days of the Act's August 10, 2016 effective date.

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF WORKERS' COMPENSATION Compensation. To obtain forms or information regarding the workers' **Colorado Workers' Compensation Information** 

Your employer has workers' compensation coverage for employees through: COLORADO DIVISION OF WORKERS' COMPENSATION

entirely by the employer and may not be deducted from an employee's wages. If you are injured or sustain an occupational disease while at work, you may be entitled to compensation benefits as provided by law. WRITTEN NOTICE MUST BE GIVEN TO YOUR EMPLOYER WITHIN 4 WORKING DAYS OF THE ACCIDENT. If you don't report your injury or occupational disease promptly your benefits may be reduced.

Workers' compensation is a type of insurance coverage that employers must

provide to their employees. The cost of workers' compensation insurance is paid

payable for the first 3 days' disability unless the period of disability exceeds two You are entitled to reasonable and necessary medical treatment of compensable injuries or occupational diseases. If you notify your employer of an

injury or occupational disease and are not offered medical care, you may select

the services of a licensed physician or chiropractor.

whichever is greater.

your average weekly wage up to a maximum set by law. No compensation is

free at 1-888-390-7936 or visit our website at www.colorado.gov/cdle/dwc.

Any information provided below comes from your employer and is specific to this place of employment:

If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1) AND (1.5), COLORADO REVISED STATUTES.

The Colorado Wage Act (C.R.S. 8-4-101 et seq.) requires Colorado employers to pay employees their earned wages in a timely manner. The Wage

Applies to private sector employers in Colorado. Does not apply to public sector employers. Does not apply to independent contractors. **DEFINITION OF WAGES (8-4-101(8))** 

(e.g., time, task, piece, commission, etc.).

 Severance pay is not defined as wages. PAY PERIODS AND PAYDAYS (8-4-103(1))

• Pay periods can be no greater duration than a calendar month or 30 days, whichever greater. • Paydays must occur no later than 10 days following the close of each pay period.

· Name and address of the employer **DIRECT DEPOSIT AND PAYCARDS (8-4-102)** 

**DEDUCTIONS FROM WAGES (8-4-105)** Permissible deductions from wages include:

2. Deductions for loans, advances, goods or services, and equipment or property provided by an employer to an employee pursuant to an enforceable written agreement. 3. Deductions to cover the cost for theft if a report has been properly filed with law enforcement.

such money or property. 6. Deductions below the minimum wage applicable under FLSA are not authorized.

FINAL PAY (8-4-109) Wages must be delivered to either the work site, employer's local office, or the employee's last known mailing address as follows: **Employer ends the employment relationship** 

1. If the accounting unit is scheduled to be operational, pay is due immediately. 2. If the accounting unit is not scheduled to be operational, pay is due not later than 6 hours after the start of the accounting unit's next regular workday.

If an employer refuses to pay all wages earned and vested through the employee's last day of employment, the employee may: 1. Make a written demand within 60 days after the date of separation specifying where to send the wages. 2. If the employee's earned wages are not mailed to the place specified in the demand and postmarked within 14 days after the receipt of the demand, the employer shall be liable for the wages and a significant penalty that may meet or exceed 125% of the amount owed or up to 10 days of compensation,

1. The Director of the Division of Labor is required or authorized to conduct investigations and inquiries regarding alleged violations of the Wage Act. 2. District Attorneys in Colorado may prosecute violations of the Wage Act. 3. Employees may pursue wages in a civil action.

**STATUTE OF LIMITATIONS (8-4-122)** All actions brought pursuant to the Wage Act shall be commenced within 2 years after the cause of action accrues. Willful violations of the Wage Act shall be commenced within 3 years after the cause of action accrues.

Colorado Department of Labor and Employment Division of Labor

Employer must post conspicuously a notice specifying the regular paydays and the time and place of payment. The notice must include any changes to

## **Anti-Discrimination**

C.R.S. § 24-34-401 et seq. IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE:



COMPENSATION, TERMS, CONDITIONS, or PRIVILEGES of employment. DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION (including TRANSGENDER STATUS), RELIGION, AGE, NATIONAL ORIGIN or ANCESTRY,

or, in certain circumstances, MARRIAGE TO A COWORKER.

not reasonable if its provision would result in an undue hardship on the employer's business.

RETALIATION PROHIBITED — C.R.S. § 24-34-402(e)

MAIN PHONE: 303-894-2997; HOTLINE ESPANOL: 720-432-4294; TOLL-FREE: 800-262-4845; V/TTD RELAY: 711; FAX: 303-894-7830; EMAIL: DORA CCRD@STATE.CO.US; DORA.COLORADO.GOV/CRD

qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated

• the accommodation's effect on expenses and resources or its effect upon the operations of the employer If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship. The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying

> You may file a Worker's Claim for Compensation with the Division of Workers' compensation system, you may call Customer Service at 303-318-8700 or toll-

633 17th Street, Suite 400, Denver, CO 80202-3626

**Employee Injury** 

Wage Act

Act is commonly referred to as the Colorado Wage Law or Colorado Wage Claim Act.

• Wages are defined as all earned, vested, and determinable amounts for labor or service performed by employees, regardless of the method of calculation Bonuses or commissions earned in accordance with the terms of any agreement are wages. Vacation pay earned in accordance with the terms of any agreement is wages.

**PAY STATEMENTS (8-4-103(4))** At least monthly, or at the time of payment of wages, the employer must furnish to the employee an itemized pay statement in writing showing: Gross and net wages All withholdings and deductions

Payment of wages by direct deposit must be voluntarily authorized by the employee. Such direct deposit must be in the financial institution An employer may deposit wages on a paycard as long as the employee is provided free means of access to the entire amount of net pay at least once per pay

4. Deductions authorized by an employee that are revocable, including medical insurance, savings plans, stock purchases, pension plans, charities, and deposits to financial institutions. 5. Deductions for the amount of money or value of property that the employee failed to properly pay or return when the terminated employee was entrusted with

Employee quits or resigns Wages are due by or on the next regular payday. WAGES OWED / PAY DEMAND (8-4-109(3))

3. The employee may only recover the above penalties in court; the Division cannot recover penalties for employees. **ENFORCEMENT (8-4-111)** 

Any agreement, written or oral, by any employee purporting to waive or modify such employee's rights in violation of the Wage Act shall be void. **POSTING REQUIREMENTS (8-4-107)** 

to REFUSE TO HIRE, to DISCHARGE, to PROMOTE or DEMOTE, to HARASS during the course of employment, or to discriminate IN MATTERS of

REASONABLE ACCOMMODATIONS FOR DISABILITIES: An employee with a disability is entitled to a reasonable accommodation(s) which is necessary to perform the essential functions of the job. An accommodation is

or discussion of wages. An employer shall not require an employee to waive the right to disclose wage information. TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION CONTACT THE COLORADO CIVIL RIGHTS DIVISION; 1560 BROADWAY, LOBBY WELCOME CENTER, SUITE # 110, DENVER, CO 80202

EMPLOYMENT DISCRIMINATION COMPLAINTS MUST BE FILED WITHIN SIX (6) MONTHS AFTER THE ALLEGED DISCRIMINATORY ACT OCCURRED. colorado.gov/dora/civil-rights 7/2019

An employee receiving less than the legal minimum wage applicable to such employee is entitled to recover in a civil action the unpaid balance of the full amount

notwithstanding any agreement to work for a lesser wage, pursuant to § 8-6-118 C.R.S. (2018). Alternatively, an employee may elect to pursue a minimum wage complaint through the division's administrative procedure as described in the Colorado Wage Act, § 8-4-101, et seq., C.R.S. (2018). Whenever employers are subject to both federal and Colorado law, the law providing

greater protection or setting the higher standard shall apply. For information on federal law contact the nearest office of the U.S. Department of Labor, Wage and Hour Division, 1999 Broadway, Suite 710, Denver, CO 80201-6550. Telephone (720)

## **Pregnancy Accommodations**

PREGNANT WORKERS FAIRNESS ACT

Under the Act, if an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant

DORA COLORADO • temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy;

Under the Act, a reasonable accommodation must not pose an "undue hardship" on the employer. Undue hardship refers to an action requiring significant

**Workers' Compensation** 

IF THE INJURY RESULTS FROM YOUR USE OF ALCOHOL OR CONTROLLED SUBSTANCES, YOUR WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.

· Inclusive dates of the pay period Name of the employee or SS#

1. Deductions mandated by local, state, or federal law, such as taxes, FICA requirements, garnishments, and court-ordered deductions.

3. If the accounting unit is located off-site, then wages are due no later than 24 hours after the start of the accounting unit's next regular workday.

**DISCRIMINATION PROHIBITED (8-4-120)** Employers may not intimidate, threaten, restrain, coerce, discharge, or in any manner discriminate against any employee who has filed a complaint under the Wage Act. **NONWAIVER OF RIGHTS (8-4-121)** 

paydays & time and place of payment. 633 17th Street, Suite 200 • Denver, CO 80202-3611 • (303) 318-8441 • www.colorado.gov/cdle/labor

> Colorado Law Prohibits Discrimination in places of: **EMPLOYMENT**

PREGNANT WORKERS FAIRNESS ACT — C.R.S. § 24-34-402.3 An employee with a health condition(s) related to pregnancy or physical recovery from childbirth is entitled to a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business.

SHARING WAGE INFORMATION PROTECTED — C.R.S. § 24-34-402(i) An employer shall not discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or person due to an inquiry, disclosure