

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 work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- 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 OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- 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.

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 programs in every state.

Contact OSHA. We can help.

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



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 1 1/2 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 certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT: Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employees must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS: The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from 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 classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

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

State Minimum Wage

MONTANA'S MINIMUM WAGE (Effective 1/1/2022) **\$9.20***

*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage.

Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. However, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana's minimum wage.

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS ALLOWED IN THE STATE OF MONTANA

OVERTIME PAY

Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1 1/2 times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by calling our office at (406) 444-6543.

PAYMENT OF WAGES

WHILE STILL EMPLOYED: An employee must be paid within 10 business days after the end of the pay period.

WHEN SEPARATED FROM EMPLOYMENT: When an employee quits, wages are due on the next scheduled pay day for the period in which the employee was separated, or 15 calendar days, whichever occurs first.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

DEPARTMENT OF LABOR & INDUSTRY
COMPLIANCE & INVESTIGATIONS BUREAU
P.O. BOX 201503
HELENA MT 59620-1503
PHONE (406) 444-6543
EMAIL: DLIERD@mt.gov
Please visit us on the web at: www.mtwagehourpota.com

IRS Withholding

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed Form W-4 with your employer did you...?

- Marry or divorce?
- Gain or lose a dependent?
- Change your name?

Were there major changes to...

- Your nonwage income (interest, dividend, capital gains, etc.)?
- Your family wage income (you or your spouse started or ended a job)?
- Your itemized deductions?
- Your tax credits?

If you can answer "yes"...

To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website.

Employer: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject.

Workers' Compensation

IF YOU ARE INJURED

You should report any on-the-job injury to your supervisor, employer, or insurer as soon as possible. You must report the accident within 30 days. A sole proprietor, partner, manager of a manager-managed limited liability company, member of a member-managed limited liability company, or corporate officer covered under the Montana Workers' Compensation Act must report an accident to the insurer within 30 days.

Report minor injuries to your employer whether or not you receive medical treatment. After you report the injury, your employer has 6 days to notify their insurer. You must submit a written First Report of Injury within 12 months from the date of the accident. You can submit this form to your employer, insurer, or the Department of Labor and Industry. All employees sustaining a compensable work-related injury or occupational disease, other than those who are exempted by statute (Section 39-71-401, MCA), are covered for medical and wage-loss benefits.

You have the right to choose your initial treating physician. You may continue to receive treatment from your physician unless you receive written notice of referral to a preferred provider or a managed care organization. After providing you with a referral notice, the insurance carrier is no longer liable for treatment provided by your physician unless authorization is obtained to continue treatment.

For specific information about this policy, call or write your employer's insurance carrier.

For general information about workers' compensation, call or write:
Montana Department of Labor and Industry, Employment Relations Division
P.O. Box 8011, Helena, MT 59604-8011, Phone (406) 444-6543.

FAILURE TO POST THIS SIGN OR POSTING AN ALTERED SIGN IN THE WORKPLACE WILL RESULT IN A \$50 FINE AGAINST THE EMPLOYER!

Discrimination

Montana Law PROHIBITS DISCRIMINATION & RETALIATION in employment, housing, education, public accommodations, credit, finance, insurance, & state / local government. Discrimination is unlawful if based on one of these protected classes:

ANY AGE RACE/COLOR RELIGION/CREED	PHYSICAL DISABILITY NATIONAL ORIGIN VACCINATION STATUS	MENTAL DISABILITY MARRITAL STATUS FAMILIAL STATUS IN HOUSING
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SEX (INCLUDING PREGNANCY, SEXUAL ORIENTATION, & GENDER IDENTITY)

POLITICAL BELIEFS
IN GOVERNMENTAL SERVICES
OR GOVERNMENT EMPLOYMENT

FOR MORE INFO CONTACT THE MONTANA HUMAN RIGHTS BUREAU

P.O. BOX 1728, HELENA, MT 59624-1728
(406) 444-2984 OR 1 (800) 542-9807 (RELAY SERVICE 711)
MONTANADISCRIMINATION.COM

ProService HAWAII

HR that powers your business

ProService HAWAII

MADE IN USA

Payday Notice

PAYDAY IS ON

☐ MONDAY ☐ TUESDAY ☐ WEDNESDAY ☐ THURSDAY ☐ FRIDAY ☐ SATURDAY ☐ SUNDAY

PAY SCHEDULE IS

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐

PAYCHECKS ARE ISSUED ON THE _____ AND _____ OF THE MONTH

AT: _____ TIME: _____

Emergency Notice

AMBULANCE: _____ **FIRE-RESCUE:** _____

HOSPITAL: _____ **PHYSICIAN:** _____

ALTERNATE: _____ **POLICE:** _____

OSHA: _____ **HAZARDOUS MATERIAL:** _____

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Family Medical Leave Act

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 for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

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

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

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

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, or imposing 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 must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

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

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 FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if 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 employer.

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

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

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed services and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- 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.

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 injuries.

ENFORCEMENT

- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/laws/userrra.htm>.
- 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/userrra/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.

U.S. Department of Labor 1-866-487-2265 U.S. Department of Justice Office of Special Counsel 1-800-338-4590 EMPLOYER SERVICE CENTER 1-800-338-4590

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.

PROHIBITIONS

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

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed 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.

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

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 unauthorized persons.

ENFORCEMENT

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

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

MONTANA LAW

Prohibits smoking, including the use of marijuana in this establishment

Montana Clean Indoor Air Act, Title 50, Chapter 40.
For more information or to report a violation call or visit us online.
1.866.787.5247 tobaccofree.mt.gov

Unemployment Insurance

Notice To Employers - Unemployment Insurance

Every employer must post and maintain a printed notice provided by the department showing that the employer is subject to Montana unemployment insurance law and has been registered by the department. This notice must be posted in conspicuous places near the locations where services are performed.

Montana Department of Revenue
P.O. Box 6339
Helena, MT 59604-6339
Customer Service Center
406-444-6900

State OSHA

PUBLIC EMPLOYMENT IN MONTANA DUTIES EMPLOYERS:

- must furnish a safe place of employment for all employees
- must protect the life and safety of all employees
- must post notices of safety hazards identified by Department of Labor and Industry personnel at the location of the hazard or at a location where employees routinely congregate
- must maintain a log of occupational injuries and illnesses occurring at that workplace (the Montana Form 200 or Montana Form 300)

EMPLOYEES:

- must comply with all occupational safety and health standards applicable to their jobs

DEPARTMENT OF LABOR AND INDUSTRY OCCUPATIONAL SAFETY AND HEALTH BUREAU:

- administers the Montana Safety Act (Title 50, Chapter 71, MCA), the Montana Occupational Health Act (Title 50, Chapter 70, MCA) and the Montana Safety Culture Act (Title 39, Chapter 71, Section 1501, MCA)
- conducts periodic workplace safety and health inspections
- supports public agencies for all occupational safety and health concerns

RIGHTS EMPLOYERS:

- right to consult with the Department for advice and assistance in complying with provisions of the Montana Safety Act
- right to appeal any order, rule or decision if aggrieved directly or indirectly by that order, rule or decision

EMPLOYEES:

- right to meet privately with the Department representative during the workplace investigation
- right to file complaints with the Department
- right to report workplace hazards to the employer, and then to the Department if the hazards are not abated

POSTING INSTRUCTIONS: UNDER PROVISIONS OF ARM 24-30.10(2), EMPLOYERS MUST POST THIS NOTICE OR FACSIMILE IN A CONSPICUOUS PLACE OR PLACES WHERE NOTICES ARE CUSTOMARILY POSTED.

FOR QUESTIONS INVOLVING OCCUPATIONAL SAFETY AND HEALTH, CALL THE SAFETY BUREAU, MONTANA DEPARTMENT OF LABOR AND INDUSTRY (406) 444-6401 <http://www.montanasafty.com/>

Payday Notice

PAYDAY IS ON

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PAY SCHEDULE IS

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐

PAYCHECKS ARE ISSUED ON THE _____ AND _____ OF THE MONTH

AT: _____ TIME: _____

Emergency Notice

AMBULANCE: _____ **FIRE-RESCUE:** _____

HOSPITAL: _____ **PHYSICIAN:** _____

ALTERNATE: _____ **POLICE:** _____

OSHA: _____ **HAZARDOUS MATERIAL:** _____

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

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 national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

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.

AGE

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.

SEX (GAGES)

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 opposes discrimination under these Federal laws.

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 right to file a private lawsuit, you should 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.

PAY SECRECY

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 immediately:

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 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.

Child Labor Law

Introductory...

This summary on the Montana Child Labor Standard laws provides general information only and should not be considered as an official document. Official statements of policy and procedure are contained in the regulations formally adopted by the Wage and Hour Unit of the Montana Department of Labor and Industry. If subject to the federal jurisdiction, please contact the U.S. Department of Labor for their child labor regulations.

Assistance...

Inquiries about the Montana Child Labor Law, Minimum Wage laws and other Montana labor laws and their application will be answered by mail, telephone or personal interview at the Department of Labor and Industry, Wage & Hour Unit P.O. Box 201503, Helena MT 59604-6518 (406) 444-6600

Montana Codes Annotated -- Title 41, Chapter 2

"Declaration of Policy. It is declared to be the policy of this Act to protect young workers from employment that might interfere with their educational opportunities or be detrimental to their health or well-being."

General Provisions of the Child Labor Laws...

The Montana Child Labor Standards Act of 1993 establishes the hours children may work and hazardous occupations in which they may not work - unless specifically exempted.

The Montana Child Labor Laws apply to all children, migrant as well as resident children. These laws parallel, but do not supersede the federal child labor laws. The federal law is similar to the Montana law but is more restrictive in certain areas.

Common Terms...

Agriculture, includes all aspects of farming including the cultivation and tillage of the soil; dairy; growing, harvesting and production of agricultural and horticultural commodities; raising of livestock, bees, fur bearing animals or poultry; and, any practices, including forestry or lumbering operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

Minor, an individual under 18 years of age, except for an individual who:

- (a) - has received a high school diploma or has received a passing score on the general education development examinations; or
- (b) - is 16 years of age or older and is enrolled in a registered state or federal apprenticeship program.

Employed or employment, means an occupation engaged in, permitted, or suffered with or without compensation in money or other valuable consideration, whether paid to the minor or to some other person, including but not limited to occupations as servant, agent, subagent, or independent contractor. It does not include casual, community service, non-revenue raising, uncompensated activities.

Occupation, means an occupation, service, trade, business, or industry in which employees are employed; any branch or group of industries in which employees are employed; or any employment or class of employment in which employees are employed.

Domestic services, means an occasional, irregular, or incidental non-hazardous occupational activity related to and conducted in or around a private residence, including but not limited to baby-sitting, pet sitting or similar household chore, and manual yard work. Domestic service specifically excludes industrial homework.

Hazardous occupations, nonagricultural occupations which have been declared to be particularly hazardous, involving risk, or detrimental to the health and well-being of individuals under 18 years of age.

The following are considered hazardous occupations:

1. Manufacturing and storing explosives.
2. Riding outside a motor vehicle to assist in transporting or delivering goods.
3. Coal mining.
4. Logging and saw milling.
5. Power-driven woodworking machines.
6. Exposure to radioactive substances.
7. Power-driven hoisting apparatus, such as non-automatic elevators, fork lifts, and cranes.
8. Power-driven metal-forming, punching, and shearing machines.
9. Mining, other than coal mining.
10. Slaughtering, meat-packing, processing, or rendering.
11. Power-driven bakery machines.
12. Power-driven paper-pulp machines.
13. Manufacturing of brick, tile, and similar products.
14. Power-driven circular saws, band saws, and guillotine shears.
15. Wrecking, demolition, and ship-breaking operations.
16. Roofing operations.
17. Excavation operations.

For a complete listing of prohibited machines, see "Child Labor Bulletin No. 101" available from the United States Department of Labor, Wage and Hour Division in Salt Lake City, UT, 84101, (801) 524-5706.

http://www.dol.gov/dol/ilcfr/Title_29/Part_570/toc.htm

Lawn Care and Residential Chores...

Lawn care and residential chores performed by minors on a casual basis for the owners of private residences is not subject to Montana child labor provisions. Lawn care performed other than in this limited capacity is subject to the law. Minors age 14 and 15 cannot operate power driven equipment such as lawn mowers and power driven string trimmers. They can perform other domestic garden and lawn care chores using hand operated devices such as shovels, rakes, hoes etc. Minors 16 and 17 years of age can use power mowers and string trimmers. They cannot use chain saws and string trimmers equipped with brush and wood cutting blades.

Exemptions...

- All Minors, regardless of age, may be employed:
- By their parents or guardians (except in manufacturing, mining and hazardous occupations).
- In agriculture or farming with written consent of their parents or guardians or on a farm or in a home owned by their parents or guardians or on a farm where the parent or guardian is also employed.
- In the delivery or collection of newspapers, periodicals or circulars.
- In casual, community, non-revenue raising, uncompensated activity, (such as religious and charitable volunteer work).
- As an actor, model or performer.
- As a legislative aide.
- In casual domestic work at a person's home.
- As an official or referee for a nonprofit athletic organization. A minor who is under the age of 14 may not participate at adult events or activities.

Additional exceptions are provided for student-learners and apprenticeship programs.

Prohibited Employment of Minors Under 14 Years of Age...

Except as provided above, a minor who is under 14 years of age may not be employed in or in connection with an occupation.

Prohibited Employment of Minors Who Are 14 or 15 Years of Age...

Minors who are 14 and 15 years old may not work in the following:

NONAGRICULTURAL JOBS

- manufacturing, mining, most processing work, and all hazardous occupations; operating or tending most power-driven machinery; public messenger service; and work connected with warehousing, storage, transportation, communications, public utilities, and construction (except office and sales jobs when not performed on transportation vehicles or on construction sites).

AGRICULTURAL JOBS

- felling, bucking, skidding, loading or unloading timber with a butt diameter of more than nine inches; repairing a building from a ladder or scaffolding at a height of more than twenty feet; working inside a fruit, forage or grain storage structure designed to retain an oxygen deficient or toxic atmosphere; working inside a silo within two weeks after silage has been added or when a top loading device is in operating position; handling or using a blasting agent including but not limited to dynamite, black powder, sensitized ammonium nitrate, blasting caps or primer cord; or transferring or applying anhydrous ammonia.

EXEMPTIONS FROM PROHIBITED OCCUPATIONS IN AGRICULTURE...

Exemptions from some of the hazardous occupations apply for 14 and 15 year old student learners enrolled in vocational agriculture programs when certain requirements are met.

Minors aged 14 and 15 who hold certificates of completion of training under a 4-H or vocational agriculture program may work outside school hours on equipment for which they have been trained.

Prohibited Employment of Minors Who Are 16 or 17 Years of Age...

Unless working as an apprentice or student-learner under 41-211-002 MCA, a minor 16 or 17 years of age may not be employed in or in connection with hazardous occupations.

Working Hours For Minors...

Unless otherwise exempt, a minor who is 14 or 15 years of age may not be employed:

- during school hours, except as provided for in Work Experience and Career Exploration Programs approved by the department or the office of public instruction;
- before 7 a.m. or after 7 p.m., except that the minor may be employed until 9 p.m. during the periods outside the school year (June 1 through Labor Day, depending on local standards); or
- employed more than 3 hours on a school day;
- 18 hours in a school week;
- 8 hours on a non-school day; or
- 40 hours in a week in a non-school week.

Enforcement...

Montana statutes allow authorized representatives of the Wage and Hour Unit to investigate and gather data regarding the wages, hours and other conditions and practices of employment. They can enter establishments and inspect the premises and records, transcribe records and interview employees. They can investigate whatever facts, conditions or practices that are considered necessary to find out whether Montana law has been violated.

Penalties...

An employer who violates any of the provisions of this part is guilty