

# Vermont & Federal Employment Notices

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

OSHA Occupational Safety and Health Administration U.S. Department of Labor

**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, without citation or penalty, through OSHA-supported consultation programs in every state.

This poster is available free from OSHA.

Contact OSHA. We can help.

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

## Federal Minimum Wage

At least 15 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 hour restrictions. Different rules apply in agricultural employment.

**Employers subject to the state minimum wage are obligated to pay the higher rate.**

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

**Overtime Pay:**

- At least 1.5 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.

**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.**

**Nursing Mothers:**

- The FLSA requires employers to provide a break time for a nursing mother employee who is subject to the FLSA 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 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.

**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 District of Columbia.
- Some states provide greater employee protections; employers must comply with both.
- Some employers provide "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 such assessments may be decided 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.

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1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/wage

WAGE AND HOUR DIVISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

## Equal Employment Opportunity

Know Your Rights: Workplace Discrimination is Illegal

Federal law from discrimination on the following bases:

- Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin, Age, Disability, Genetic Information, and Family Medical History

**What Employers are Covered?**

- Employers (current and former), including managers and temporary employees
- Union members and applicants for membership in a union

**What Organizations are Covered?**

- All types of employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Staffing agencies

**What Types of Employment Discrimination are Illegal?**

- Under the EEOC's laws, an employer may not discriminate against you, regardless of your race, color, religion, sex, sexual orientation, gender identity, age, disability, genetic information, or family medical history.
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

**What Employment Practices can be Challenged as Discriminatory?**

- Recruiting, hiring, or laying off
- Discharge, firing, or layoff
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Obtaining or discharging compensation information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discriminate between persons opposing discrimination, filing a charge, or participating in an investigation or proceeding

**What Can You Do if You Believe Discrimination Has Occurred?**

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days depending where you live/work). You can reach the EEOC in any of the following ways:

- Submit an inquiry through the EEOC's public portal: <https://publicportal.eeoc.gov/portal/Login.aspx>
- Call 1-800-669-4000 (toll free)
- 1-800-469-4000 (TDD)
- 1-844-234-5122 (ASL video phone)
- Visit an EEOC field office (information at [www.eeoc.gov/fieldoffices](http://www.eeoc.gov/fieldoffices))
- E-mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under the OFCCP's laws.

## Unemployment Benefits

If you have become unemployed or your work hours have been reduced, you may be eligible for UNEMPLOYMENT BENEFITS.

Call the Vermont Department of Labor 1-877-214-3330 (toll free)

**Programs or Activities Receiving Federal Financial Assistance**

Race, Color, National Origin, Sex, Disability, Genetic Information, and Family Medical History

**Individuals with Disabilities**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

**Unemployment Insurance**

Under Vermont law (21 V.S.A. §691a) all Vermont employers must advise their employees of where they may review the employer's record of workplace safety, including workplace injury and illness. The employer's data shall be available for review by any employee and by the Commissioner of Labor, but this information shall not otherwise be public information.

**Healthcare Whistleblower's Protection Act**

There is protection for Healthcare Employees Who Report or Refuse to Commit Illegal Acts "Verbal Law" (Title 21, V.S.A., Section 507-509) requires every hospital and nursing home post this notice.

**It is illegal for your employer to fire you, threaten you, retaliate against you or treat you differently because:**

1. You reported a violation of the law by your employer to any person, entity, or public body.
2. You reported a medical error or improper quality of patient care by your employer to any person, entity, or public body.
3. You reported something that risks someone's health or safety.
4. You have objected or refused to participate in any activity, policy, or practice of your employer that you reasonably believe is a violation of a law or constitutes improper quality of care, or that will endanger your life.
5. You have been involved in an investigation or hearing held by the government.

**You are protected by this law ONLY if:**

1. You are employed by a hospital, or nursing home; and
2. You have good reason to believe that your employer will not correct the problem.

**If you have been fired or your employer has retaliated against you due to a violation of this law, you may:**

1. Use any available internal process, grievance procedure, or similar process available to you to maintain or restore your loss of employment rights with your employer; or
2. Bring an action in the superior court of the county where the relation by your employer occurred.

**When Does Accrual Begin?**

An employee begins accruing sick leave on January 1, 2017 and on the first day of employment, whichever comes later.

**How Can Sick Time Be Used?**

An employee can use sick time when the employee is up to 40 hours in child, grandparent, spouse, or parent's care. Sick time may also be used for a family member's health care or travel to or from a hospital or to a long-term care facility, or to address the health care or domestic violence, sexual assault or stalking. An employee may use earned sick time to care for a family member because the school or business where the family member is located is closed for public health or safety reasons.

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**When Does Accrual Begin?**

An employee begins accruing sick leave on January 1, 2017 and on the first day of employment, whichever comes later.

**How Can Sick Time Be Used?**

An employee can use sick time when the employee is up to 40 hours in child, grandparent, spouse, or parent's care. Sick time may also be used for a family member's health care or travel to or from a hospital or to a long-term care facility, or to address the health care or domestic violence, sexual assault or stalking. An employee may use earned sick time to care for a family member because the school or business where the family member is located is closed for public health or safety reasons.

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