FMLA - FAMILY AND MEDICAL LEAVE ACT

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

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that You do not have to share a medical diagnosis but must provide enough information provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the You must also inform your employer if FMLA leave was previously taken or approved for

FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA the same reason when requesting additional leave. Your employee may request certification

eave in a 12-month period for: The birth, adoption or foster placement of a child with from a health care provider to verify medical leave and may request certification of a

ou, · Your serious mental or physical health condition that makes you unable to work, · qualifying exigency. The FMLA does not affect any federal or state law prohibiting

To care for your spouse, child or parent with a serious mental or physical health discrimination or supersede any state or local law or collective bargaining agreement that

condition, and • Certain qualifying reasons related to the foreign deployment of your provides greater family or medical leave rights. State employees may be subject to certain

An eligible employee who is the spouse, child, parent or next of kin of a covered conditions. Most federal and certain congressional employees are also covered by the law

ervicemember with a serious injury or illness may take up to 26 workweeks of FMLA but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

You work for a covered employer, You have worked for your employer at least 12 months, After becoming aware that your need for leave is for a reason that may qualify under the

### Compliance Code: KY-0723-F04 • Check Compliance By Scanning Here ▶

### **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

What Employment Practices can be Challenged as

**Discriminatory?** All aspects of employment, including:

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. • Retaliation for filing a charge, reasonably opposing • Employees (current and former), including managers discrimination, or participating in a discrimination lawsuit, investigation, or proceeding and temporary employees Interference, coercion, or threats related to exercising Job applicants Union members and applicants for membership in a union rights regarding disability discrimination or pregnancy What Organizations are Covered?

Know Your Rights: Workplace Discrimination is Illegal

· Harassment (including unwelcome verbal or Staffing agencies Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the • Pay (unequal wages or compensation) bases of: • Failure to provide reasonable accommodation for a Race

State and local governments (as employers)

Educational institutions (as employers)

Most private employers

disability; pregnancy, childbirth, or related medical Color condition; or a sincerely-held religious belief, Sex (including pregnancy, childbirth, and related medical 

 Job training

 conditions, sexual orientation, or gender identity)

 Classification Age (40 and older) Referral · Obtaining or disclosing genetic information Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history

of employees Requesting or disclosing medical information of employees **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** 

Discharge, firing, or lay-off

physical conduct)

Hiring or promotion

observance or practice

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of enforces the nondiscrimination and affirmative action commitments of companies 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and doing business with the Federal Government. If you are applying for a job with, or are an requires affirmative action to recruit, employ, and advance in employment, disabled employee of, a company with a Federal contract or subcontract, you are protected under veterans, recently separated veterans (i.e., within three years of discharge or release from Federal law from discrimination on the following bases: active duty), active duty wartime or campaign badge veterans, or Armed Forces service Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin medal veterans.

aspects of employment.

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended,

authorities should contact immediately: protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified ndividuals with disabilities from discrimination in hiring, promotion, discharge, pay, ringe benefits, job training, classification, referral, and other aspects of employment If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access

by Federal contractors. Disability discrimination includes not making reasonable telecommunications relay services. OFCCP may also be contacted by submitting accommodation to the known physical or mental limitations of an otherwise qualified a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by individual with a disability who is an applicant or employee, barring undue hardship to calling an OFCCP regional or district office, listed in most telephone directories the employer. Section 503 also requires that Federal contractors take affirmative action under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage to employ and advance in employment qualified individuals with disabilities at all levels at https://www.dol.gov/agencies/ofccp/contact of employment, including the executive level. Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended,

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Executive Order 11246, as amended, prohibits employment discrimination by Federal Retaliation Retaliation is prohibited against a person who files a complaint of

contractors based on race, color, religion, sex, sexual orientation, gender identity, or discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination

national origin, and requires affirmative action to ensure equality of opportunity in all by Federal contractors under these Federal laws. Any person who believes a contractor

Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits employment discrimination on the basis of disability in any program or activity prohibits discrimination on the basis of race, color or national origin in programs or which receives Federal financial assistance. Discrimination is prohibited in all aspects activities receiving Federal financial assistance. Employment discrimination is covered by of employment against persons with disabilities who, with or without reasonable Title VI if the primary objective of the financial assistance is provision of employment, accommodation, can perform the essential functions of the job. If you believe you or where employment discrimination causes or may cause discrimination in providing have been discriminated against in a program of any institution which receives Federal services under such programs. Title IX of the Education Amendments of 1972 prohibits financial assistance, you should immediately contact the Federal agency providing employment discrimination on the basis of sex in educational programs or activities—such assistance. which receive Federal financial assistance.

U.S. Department of Labor

1-800-397-6251 (toll-free

200 Constitution Avenue, N.W.

(Revised 6/27/2023)

• Conduct that might reasonably discourage someone

· Conduct that coerces, intimidates, threatens, or interferes

from opposing discrimination, filing a charge, or

with someone exercising their rights, or someone

assisting or encouraging someone else to exercise

rights, regarding disability discrimination (including

accommodation) or pregnancy accommodation
What can You Do if You Believe Discrimination has

Occurred? Contact the EEOC promptly if you suspect

imits for filing a charge of discrimination (180 or 300

**Submit** an inquiry through the EEOC's public portal:

1–844–234–5122 (ASL video phone)

https://publicportal.eeoc.gov/Portal/Login.aspx

the EEOC in any of the following ways:

-800-669-6820 (TTY)

www.eeoc.gov/field-office)

Additional information about the FFOC

including information about filing a charge

of discrimination, is available at www.eeoc.gov

**E-Mail** info@eeoc.gov

has violated its nondiscrimination or affirmative action obligations under OFCCP's

The Office of Federal Contract Compliance Programs (OFCCP)

Visit an EEOC field office (information at

**Call** 1–800–669–4000 (toll free)

discrimination. Do not delay, because there are strict time

days, depending on where you live/work). You can reach

participating in an investigation or proceeding

### **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

### FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster where employees can 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

readily see it. OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked each child labor violation that results in the death or serious injury of any over 40 in a workweek. CHILD LABOR An employee must be at least 16 years old to work in most non- are determined to be willful or repeated. The law also prohibits retaliating farm jobs and at least 18 to work in non-farm jobs declared hazardous by the against or discharging workers who file a complaint or participate in any Secretary of Labor. Youths 14 and 15 years old may work outside school hours proceeding under the FLSA. 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 employées" 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 PUMP AT WORK The FLSA requires employers to provide reasonable break

time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded 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

minor employee, and such assessments may be doubled when the violations • 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.





WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

# **EWHD**

### DISCRIMINATION IN PUBLIC ACCOMMODATIONS

### WELCOME! **KENTUCKY LAW REQUIRES**

THAT EVERY PERSON SHALL RECEIVE FULL AND EQUAL SERVICE IN A BUSINESS ESTABLISHMENT

THIS KENTUCKY CIVIL RIGHTS ACT PROHIBITS DISCRIMINATION IN PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, DISABILITY, RELIGION, OR NATIONAL ORIGIN. SEX IS A PROTECTED CLASS IF THE PUBLIC ACCOMMODATION IS A RESTAURANT, HOTEL, MOTEL, OR IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS. A PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT INCLUDES ANY PLACE, STORE OR OTHER ESTABLISHMENT EITHER LICENSED OR UNLICENSED, WHICH SUPPLIES GOODS OR SERVICES TO THE GENERAL PUBLIC OR WHICH SOLICITS OR ACCEPTS THE PATRONAGE OR TRADE OF THE GENERAL PUBLIC OR WHICH IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS.

IT IS OUR POLICY TO FULLY COMPLY WITH THE KENTUCKY CIVIL RIGHTS ACT FOR HELP WITH DISCRIMINATION, CONTACT THE:

# **Kentucky Commission** on Human Rights

332 W. Broadway, Suite 700, Louisville, Kentucky 40202 . Phone: 502.595.4024 Toll-free: 800.292.5566 . TDD: 502.595.4084 . Fax: 502.595.4801 E-mail: kchr.mail@ky.gov . Website: kchr.ky.govFacebook: Kentucky Commission on Human Rights . Twitter: KyHumanRights PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW

# DISCRIMINATION IN EMPLOYMENT

# KENTUCKY LAW REQUIRES EQUAL EMPLOYMENT OPPORTUNITY

THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION REGARDING:

• RECRUITMENT • ADVERTISING • HIRING • PLACEMENT • PROMOTION • TRANSFER • TRAINING AND APPRENTICESHIP • COMPENSATION • TERMINATION OR LAYOFF • PHYSICAL FACILITIES • ANY OTHER TERMS. CONDITIONS OR PRIVILEGES OF EMPLOYMENT THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON: • DISABILITY • RACE • COLOR • RELIGION • NATIONAL ORIGIN • SEX • AGE (40 YEARS OLD AND OVER) • TOBACCO-SMOKING STATUS • Pregnancy

THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION BY: • EMPLOYERS • LABOR ORGANIZATIONS • EMPLOYMENT AGENCIES • LICENSING AGENCIES

Kentucky Pregnant Workers Act, (eff. 6/27/2019) The Kentucky Pregnant Workers Act, (KPWA), (KRS 344.030 to 344.110), expressly prohibits employment discrimination in relation

to an employee's pregnancy, childbirth, and related medical conditions. n addition, under the KPWA it is unlawful for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical conditions who requests an accommodation, including but not limited to: (1) the need for more frequent or longer breaks; (2) time off to recover from childbirth; (3) acquisition or modification of equipment; (4) appropriate seating; (5) temporary transfer to a less strenuous or less hazardous position; (6) job restructuring; (7) light duty; modified work schedule; and (8) private space that is not a bathroom for expressing breast milk.

> FOR HELP WITH DISCRIMINATION, CONTACT THE KENTUCKY COMMISSION ON HUMAN RIGHTS 332 W. BROADWAY, SUITE 1400, LOUISVILLE, KENTUCKY 40202. PHONE: 502.595.4024

TOLL-FREE: 800.292.5566. FAX: 502.595.4801 E-MAIL: KCHR.MAIL@KY.GOV WEBSITE: KCHR.KY.GOV

KENTUCKY MINIMUM WAGE

### **KENTUCKY WAGE AND HOUR LAWS**



MINIMUM WAGE = \$7.25 per hour (Effective July 1, 2009)

**WAGES** 

# **PAYMENT OF WAGES:**

Any employee who leaves or is discharged from employment shall be paid in full all wages or salary earned not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs. **UNLAWFUL FOR EMPLOYER TO WITHHOLD WAGES** No employer shall withhold from any employee's wages any part of the | No employer shall deduct the following from the wages of employees:

agreed wage rate; unless a) the employer is required to do so by local, state, or federal law; or b) when a deduction is expressly authorized in writing by the employee to cover insurance premiums, hospital, or medical dues; or

employee for other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute; or d) Deductions for union dues where such deductions are authorized by joint wage agreements or collective bargaining

contracts negotiated between employers and employees or their

c) when a deduction is expressly authorized in writing by the

### **OVERTIME**

representatives.

No employer shall employ any employee for a workweek longer one-half the hourly rate employed.

b) Cash shortages in a common money till, cash box or register used by two (2) or more persons;

c) Breakage; d) Losses due to acceptance by an employee of checks which are subsequently dishonored if such employee is given discretion to accept or reject any check; or e) Losses due to defective or faulty workmanship, lost or stolen

nonpayment for goods or services received by the customer if such losses are not attributable to employee's willful or intentional disregard of employer's interest. TIME AND ONE HALF FOR WORK DONE ON SEVENTH

property, damage to property, default of customer credit or

# **DAY OF WEEK**

than forty hours unless such employee receives compensation for Any employer who permits any employee to work seven days in any employment in excess of forty hours in a workweek. The rate of one workweek shall pay the rate of time and a half for the time worked pay for time in excess of forty hours shall be not less than one and on the seventh day. This shall not apply where an employee is not permitted to work more than forty (40) hours during the workweek.

# **TIPPED EMPLOYEES**

Any employee engaged in an occupation in which more than \$30 dollars per month is customarily and regularly received in tips, the employer may pay a minimum of \$2.13 per hour if the employer' records can establish for each week where credit is taken, when adding the tips received to wages paid, not less than the minimum wage is received by the employee. No employer shall:

 Use all or part of any tips or gratuities received by employees toward the payment of the minimum wage. Require an employee to remit to the employer any gratuity, or any portion thereof, except for the purpose of withholding amounts required Employees may enter into an agreement to divide tips among themselves. If employees enter into this type of agreement, the amounts

retained by the employees shall be considered tips of the individuals who retain them. If an employer requires the use of a tip pool, then the

account used to hold the tip pool shall be segregated from the employer's other business records and the employer shall make the account

PERFORMANCE BONDS: Performance Bonds must be kept on file for employers in the construction and mining industries (including the transportation of minerals) who have conducted business within the Commonwealth for less than five (5) consecutive years. For more information, see KRS 337.200.

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

Certain exemptions from minimum wage and overtime apply. For questions, please call (502)564-3534.

# **REST PERIODS:** No employer shall require any employee to work

(4) hours worked. This shall be in addition to the regularly scheduled lunch period. No reduction in compensation shall be made for hourly information: or salaried employees.

period for lunch, and such time shall be as close to the middle of (c) Regular hourly rate of pay; the employee's scheduled work shift as possible. In no case shall an (d) Overtime hourly rate of pay for hours in excess of forty hours in a employee be required to take a lunch period sooner than three (3) hours workweek; negate any provision of a collective bargaining agreement or mutual of the item for which deductions are made; agreement between the employee and employer.

# **RECORD RETENTION: ONE (1) YEAR AFTER ENTRY**

without a rest period of at least ten (10) minutes during each four Every employer subject to the provisions of the Kentucky Minimum Wage Law shall make and preserve records containing the following

**RECORDS** 

(a) Name, address, and Social Security Number of each employee; **LUNCH PERIODS:** Employers shall grant their employees a reasonable (b) Hours worked each day and each week by each employee;

after the work shift commences, nor more than five (5) hours from the (e) Additions to cash wages at cost, or deductions (meals, board, time the work shift commences. This section shall not be construed to lodging, etc.) from stipulated wages in the amount deducted, or at cost

(f) Total wages paid for each workweek and date of payment.

Mayo-Underwood Building 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601 Phone (502) 564-3534 www.labor.ky.gov

Kentucky Labor Cabinet

Division of Wages and Hours

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

PAID FOR WITH STATE FUNDS UPDATED SEPTEMBER 2022

### WAGE DISCRIMINATION BECAUSE OF SEX

WAGE DISCRIMINATION BECAUSE OF SEX

**DEFINITIONS** (KRS 337.420 to 337.433 and KRS 337.990 (11)) **EMPLOYEE** Any individual employed by any employer, including but not limited to individuals employed by the State or any of its political subdivisions, instrumentalities, or instrumentalities of political subdivisions **EMPLOYER** A person who has two or more employees within the

State in each of twenty or more calendar weeks in the current or preceding calendar year and an agent of such a person. WAGE RATE All compensation for employment, including payment in kind and amounts paid by employers for employee benefits, as defined by the Commissioner in regulations issued **PROHIBITION OF THE PAYMENT OF WAGES BASED ON SEX: The** 

employer is prohibited from discriminating between employees of opposite sexes in the same establishment by paying different wage rates for comparable work on jobs which have comparable requirements. This prohibition covers any employee in any occupation in Kentucky. Any employer in violation shall not reduce the wages of any employee in order to comply with KRS 337.420 –337.433. No employer can discharge or discriminate against any employee for the reason that the employee sought to invoke or assist in the enforcement of KRS 337.423.

**EXEMPTIONS FROM COVERAGE:** A differential paid through an

established seniority system or merit increase system is permitted by

KRS 337.423 if it does not discriminate on the basis of sex. Employers

subject to the Fair Labor Standards Act of 1938, as amended, are excluded "when that act imposes comparable or greater requirements than contained" in KRS 337.420 – 337.433. However, to be excluded, the employer must file with the Commissioner of the Kentucky Office of Workplace Standards a statement that he is covered by the Fair Labor Standards Act of 1938, as amended. ENFORCEMENT OF LAW AND POWER TO INSPECT: The Commissioner or his authorized agent has the power to enter the employer's premises to inspect records, compare character of work and operations of employees, question employees, and to

obtain any information necessary to administer and enforce KRS 337.420 - 337.433. The Commissioner or his authorized representative may examine witnesses under oath, and require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.425. If a person fails to obey a subpoena, the Circuit Court of the

order requiring the subpoena to be obeyed. Failure to obey the court order may be punished as contempt of that court. **COLLECTION OF UNPAID WAGES:** Any employer who discriminates based on sex is liable to the employee or employees affected in the amount of the unpaid wages. If the employer is in willful violation, he is liable for an additional equal amount as liquidated damages. The court may order other appropriate action, including reinstatement of employees discharged in violation of KRS 337.420 337.433. The employee or employees affected may maintain an action to collect the amount due. At the written request of any employee, the Commissioner may bring any legal action necessary to collect the claim for unpaid wages in behalf of the employee. An agreement between an employer and employee to work for less than the wage to which such employee is entitled will not bar any legal action or voluntary wage restitution.

later than six months after the cause of action occurs POSTING OF LAW: All employers shall post this abstract in a conspicuous place in or about the premises wherein any employee is employed. **PENALTIES:** Any person who discharges or in any other manner

STATUTE OF LIMITATIONS: Court action may be commenced no

discriminates against an employee because such employee has: (a) made any complaint to his employer, the Commissioner or any other person, or instituted or caused to be instituted any proceeding under or related to KRS 337.420 - 337.433, or

(c) testified or is about to testify in any such proceedings, shall be

assessed a civil penalty of not less than \$100 nor more than

FOR FURTHER INFORMATION CONTACT: Kentucky Labor Cabinet Division of Wages and Hours Mavo-Underwood Building 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601 Phone: (502) 564-3534 www.labor.ky.gov

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet.

Judicial District wherein the hearing is being held may issue an POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

**UPDATED September 2022** 

### PAID FOR WITH STATE FUNDS

### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

**EMPLOYEE POLYGRAPH PROTECTION ACT** 

screening or during the course of employment. PROHIBITIONS Employers are generally prohibited from requiring or

and from discharging, disciplining, or discriminating against an exercising other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected Government to certain private individuals engaged in national restrain violations and assess civil penalties against violators. security-related activities. The Act permits polygraph (a kind of lie Employees or job applicants may also bring their own court actions. detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms

nored car, alarm, and guard), and of pharmaceutical manufacturers

The Employee Polygraph Protection Act prohibits most private The law does not preempt any provision of any State or local law or any employers from using lie detector tests either for pre-employment collective bargaining agreement which is more restrictive with respect to lie detector tests

**EXAMINEE RIGHTS** Where polygraph tests are permitted, they are requesting any employee or job applicant to take a lie detector test, subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, employee or prospective employee for refusing to take a test or for 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. by the law. Also, the law does not apply to tests given by the Federal

ENFORCEMENT The Secretary of Labor may bring court actions to

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are

Other

### reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. **PAYDAY NOTICE**

### **Regular Paydays for Employees of**

(Company Name) Shall be as follows.

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

### 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. You have the right to be reemployed in your civilian job if you leave • If you leave your job to perform military service, you have the right to

that job to perform service in the uniformed service 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. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • 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. n 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

Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • 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.

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

The U.S. Department of Labor, Veterans Employment and Training

Service (VETS) is authorized to investigate and resolve complaints of

• 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

https://www.dol.gov/agencies/vets/. An interactive online USERRA

confidential upon request.

derwood Building, 3rd Floor

500 Mero Street

(502) 564-3070

Frankfort, KY 40601

www.labor.ky.gov

POS-UI-5.1 (REV. 11.12)

for service-connected illnesses or injuries.

**USERRA** violations.

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: https://www.dol.gov/agencies/vets/programs/userra/poster 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.

### You have at least 1,250 hours of service for your employer during the 12 months before your leave, and • Your employer has at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements. You work for a in writing: • About your FMLA rights and responsibilities, and • How covered employer if one of the following applies: • You work for a private employer that much of your requested leave, if any, will be FMLA-protected leave.

employer's normal policies for requesting leave, • Give notice at leave you must: • Follow your employer's normal policies for requesting leave, • Give notice at leave you are left advance notice is not notice at leave your specified as soon as possible.

need for FMLA leave, or • If advance notice is not possible, give notice as soon as possible. our WHD complaint process.

eave in a single 12-month period to care for the servicemember. You have the right to

permitted, you may take FMLA leave intermittently in separate blocks of time, or on a

reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for

more information. FMLA leave is **not paid leave**, but you may choose, or be required by

your employer, to use any employer-provided paid leave if your employer's paid leave

Im I eligible to take FMLA leave? You are an eligible employee if all of the following apply:

had at least 50 employees during at least 20 workweeks in the current or previous calendar

year, • You work for an elementary or public or private secondary school, or • You work for a

public agency, such as a local, state or federal government agency. Most federal employees

w do I request FMLA leave? Generally, to request FMLA leave you must: • Follow your

are covered by Title II of the FMLA, administered by the Office of Personnel Management.

use FMLA leave in **one block of time.** When it is medically necessary or otherwise

### WITHHOLDING STATUS

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, dividends, 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 questions or you owed extra tax when you filed your last return, you

may need to file a new form W-4.

spouse, child or parent who is a military servicemember.

policy covers the reason for which you need FMLA leave.

CHILD LABOR LAWS

www.irs.gov/individuals on the IRS web site.

| HOURS OF WORK PERMITTED FOR MINORS 14 TO 18 YEARS OF AGE |                           |  |   |   |
|--|---------------------------|--|---|---|
| AGE  | MAY NOT<br>WORK<br>BEFORE | MAY NOT WORK<br>AFTER  | MAXIMUM HOURS WHEN SCHOOL IS IN SESSION 1   | MAXIMUM HOURS<br>WHEN SCHOOL IS<br>NOT IN SESSION       |
| 14 & 15 years  | 7:00 A.M.                 | 7:00 P.M.<br>(9:00 P.M. June 1<br>through Labor Day)                     | Three (3) hours per day on school day<br>Eight (8) hours per day on non-school day<br>Eighteen (18) hours per week                        | Eight (8) hours per day<br>Forty (40) hours per<br>week |
| 16 & 17 years  | 6:00 A.M.                 | 10:30 P.M. preceding<br>school day/1:00 A.M.<br>preceding non-school day | Six (6) hours per day on school day<br>Eight (8) hours per day on non-school day<br>Thirty (30) hours per week                            | NO<br>RESTRICTIONS                                      |
| 16 & 17 years with Parental Permission 2                 | 6:00 A.M.                 | 11:00 P.M. preceding<br>school day/1:00 A.M.<br>preceding non-school day | Six and one-half (6.5) hours per day on school day Eight (8) hours per day on non-school day Thirty-two and one-half (32.5) or forty (40) | NO<br>RESTRICTIONS                                      |

forty (40) hours in any one (1) work week if a parent or legal guardian gives permission in writing and the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading period. School certification shall be valid for one (1) year unless revoked sooner by the school authority. The parental permission and school certification shall remain at the employer's place of business. Lunch Break. Minors under 18 years of age shall not be permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a

lunch period. The beginning and ending of the lunch period shall be documented by the employer. OCCUPATIONS PROHIBITED FOR MINORS UNDER 18 YEARS OF AGE

Occupations in or about Plants or Establishments Manufacturing or Storing • Power-driven paper products machines including scrap paper baler and Explosives or Articles Containing Explosive Components.

Motor-vehicle Driver and outside helper on a motor vehicle. Coal Mine Occupations. Logging or Sawmill Operations.

Operation of Power-Driven Woodworking machines. Exposure to Radioactive Substances. Power-driven hoisting apparatus, including forklifts. Operation of Power-Driven Metal Forming, punching, and shearing machines.

Mining, other than coal mining. Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurants, kitchens and Delis), wholesale establishments, and most occupations in meat slaughtering, packing, processing, or rendering.

Operation of Power-driven bakery machines including vertical dough or Pool or Billiard Room. batter mixers. Limited exemptions for 16 and 17 year old apprentices and student-learners may apply. For questions, please call (502) 564-3534. Minors fourteen (14) but not yet sixteen (16) years of age may NOT be employed in: manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed; occupations which involve

the operation or tending of hoisting apparatus or any power-driven machinery other than office machines; operation of motor vehicles or service as helpers on

such vehicles; public messenger service; occupations in connection with: (1)transportation of persons or property by rail, highway, air, water, pipeline, or other

Kentucky Labor Cabinet Division of Wages and Hours Mayo-Underwood Building 500 Mero Street, 3rd Floor Frankfort, Kentucky 40601 Phone (502) 564-3534

www.labor.ky.gov

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ PAID FOR WITH STATE FUNDS

**REVISED September 2022** 

# UNEMPLOYMENT INSURANCE

### **INFORMATION ABOUT UNEMPLOYMENT INSURANCE BENEFITS**

EMPLOYERS ARE SUBJECT TO KENTUCKY UNEMPLOYMENT INSURANCE LAW. YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS IF YOU LOSE YOUR JOB, ARE LAID OFF OR YOUR HOURS ARE REDUCED.

TO QUALIFY FOR BENEFITS, YOU MUST Be unemployed through no fault of your own; · Be able and available to work and making a reasonable effort to obtain new Register for work when you file your claim. You must also meet monetary eligibility requirements based on your earnings in

the "base period," the first four of the five completed calendar quarters preceding

your claim. These earnings also determine the amount of benefits you may be

entitled to draw. Generally, if you have worked for more than a year and earned at least \$1500 during your base period, you may meet the monetary requirements IF YOU LOSE YOUR JOB OR ARE LAID OFF: 1. File your claim within the first week after you become unemployed at https://uiclaimsportal.ky.gov, or by telephone at 502-875-0442 Monday

through Friday, 7:30am-5:30pm ET (this is **not** a toll-free number).

through the web site or by toll free telephone at 877-369-5984 or 877-3MY-KYUI IF YOUR HOURS ARE REDUCED You may be eligible for partial benefits if you are still employed by your regular employer but are working less than your normal full-time hours due to lack of available work. Benefits are not paid in the case of reduction in hours due to total disability, vacation or personal reasons.

**WORKERS' COMPENSATION RECIPIENTS** 

If you missed at least seven weeks of earnings due to injury in any quarter during your

base period, and were eligible for Workers' Compensation (whether or not you drew it) you may be able to use wages earned before your injury to qualify for unemployment

After filing your claim, file continuing claims bi-weekly while you are unemployed.

benefits. To qualify, you must file your claim within the first four weeks that you are unemployed following the period covered by Workers' Compensation. Contact your nearest Unemployment Insurance office for more information. CONTRIBUTIONS TO THE UNEMPLOYMENT BENEFIT FUND ARE PAID BY EMPLOYERS NO DEDUCTIONS ARE MADE FROM EMPLOYEE WAGES FOR THAT PURPOSE!

—DO NOT COMMIT FRAUD—

If you make a false statement in claiming benefits, you can be disqualified for

**Kentucky Education and Labor Cabinet** 

Office of Unemployment Insurance

500 Mero St.

Frankfort, KY 40621

up to 52 weeks. You could face other penalties as well including felony charges, fines and possible imprisonment. Also, all benefits fraudulently received must be repaid to the Division of Unemployment Insurance. Interest will accrue and there may be a lien filing fee as well as a lien release fee.

Kentucky ?

**WORKERS' COMPENSATION** 

## **COMMONWEALTH OF KENTUCKY WORKERS' COMPENSATION NOTICE**

Employees of this business are covered by the Kentucky

Workers Compensation Act (KRS Chapter 342).

Conspicuous posting of this Notice is required by law.

Employer Name:

Workers' Compensation Carrier (or third party administrator):

**NECESSARY MEDICAL CARE** to treat a workplace injury. The employee may select the physician or medical facility to render care. If the employer is enrolled in an approved Managed Care Plan employee selection of physicians is **LIMITED** to the Approved Provider Network, except in certain emergencies. FOR INJURIES REQUIRING CONTINUING CARE the EMPLOYEE MUST **DESIGNATE A TREATING PHYSICIAN**, a form to do so will be furnished by your

This employer IS IS NOT participating in a Managed Care Plan for medical

of benefits. OBTAIN MEDICAL CARE. Your employer must pay for ALL

employer or its insurance carrier.

its representative is

care. The name of the Managed Care Plan is

EMPLOYEES: IF INJURED - NOTIFY your supervisor IMMEDIATELY; when possible

Notice should be in writing. FAILURE to notify your supervisor could result in denial

**DISABILITY BENEFITS** to replace wages lost due to a workplace injury are payable under the Workers Compensation Act after seven (7) days of disability. A CLAIM MUST BE filed with the Department of Workers' Claims WITHIN TWO YEARS of the date of injury, or last payment of temporary total disability benefits.

**NEED ASSISTANCE?** Contact your employer's claim representative. If your

questions about workers' compensation rights are not promptly answered call

THE KENTUCKY DEPARTMENT OF WORKERS CLAIMS at 1-800-554-8601 to speak to an Ombudsman or Workers' Compensation Specialist. **EMPLOYER SUPERVISORS - NOTIFY MANAGEMENT IMMEDIATELY OF ALL** INJURIES SO THAT TIMELY REPORT CAN BE MADE AS REQUIRED BY LAW.

# **Safety and Health**



Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This notice details the safety and health

protections for public and private sector employees working in the Commonwealth of Kentucky and must be prominently displayed in the workplace. **Employer Responsibilities:** Employers shall furnish employment and places of employment which are free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees; and comply with the occupational safety and health regulations, standards, and rules issued pursuant to KRS 338. Employers must provide information and training on hazards in the workplace including all hazardous substances. Required training must be provided to all employees in a language and vocabulary they understand. It is illegal to retaliate

**Employee Responsibilities:** Employees shall comply with the occupational safety and health regulations, standards, and rules issued pursuant to

KRS 338 which are applicable to their own actions and conduct. **Records:** Employees may request from their employer copies of their medical records, tests that measure hazards in the workplace, as well as the

injury and illness log. **Standards:** Kentucky's occupational safety and health standards are adopted by the Kentucky Occupational Safety and Health Standards Board. The Board consists of 13 members, comprised of the Secretary of Labor who serves as Chair, and 12 other members equally representing agriculture, industry, labor, and the safety and health profession. The Board meets annually and additionally as needed. All meetings are open to the public.

Inspections: The Division of Occupational Safety and Health Compliance conducts workplace inspections to determine the cause or prevent the

employees are given an opportunity to accompany the Compliance Officer for the purpose of aiding the inspection. Where there is no authorized employee representative, the Compliance Officer must consult with a reasonable number of employees regarding safety and health at the workplace.

**Discrimination Protections:** Employees are protected against discharge and other discriminatory actions for having filed complaints and exercising any other right provided by the occupational safety and health laws. Employees who feel they have been so discriminated against may file a complaint with the Kentucky Labor Cabinet within 120 days of the alleged discrimination. Private sector employees also have the option of filing discrimination complaints with the U.S. Department of Labor within 30 days of the alleged discrimination. Complaint forms are available at www.labor.ky.gov.

Compliance requesting an inspection if they believe a hazardous condition(s) exists in their workplace. The name of the complainant will be kept

inform employees, the employer must post each citation at or near the location of the alleged violation for three (3) days or until the violation is corrected, whichever is longer. **Proposed Penalties:** An employer may be assessed a penalty up to \$7,000 for each serious violation and up to \$7,000 for each other-than-serious violation. Failure to correct a violation within the specified time period may result in penalties up to \$7,000 per day. An employer who commits a

willful or repeat violation(s) may be assessed a penalty up to \$70,000 for each violation and not less than \$5,000 for each willful violation.

Contesting Procedures: An employer who has been cited may contest the action before the Kentucky Occupational Safety and Health Review Commission. Equally, any employee or employee representative of an employer who has been cited may also contest the action. Any party wishing to contest a citation(s) must notify the Division of Occupational Safety and Health Compliance in writing of its intent to do so. Notices of contest must be postmarked within 15 working days of receipt by the employer of the citation(s). Notices of contest will be transmitted to the Review Commission in accordance with its rules.

recordkeeping requirements. Reporting: Employers must report to the Division of Occupational Safety and Health Compliance the work-related death of an employee, including death resulting from a heart attack, within 8 hours from when the incident is reported to the employer, the employer's agent, or another employee. Work-related incidents resulting in the loss of an eye, an amputation, or the in-patient hospitalization of an employee, including hospitalization resulting from a heart attack, must be reported to the Division of Occupational Safety and Health Compliance within 72 hours from when the incident is reported to the employer, the employer's agent, or another employee. Mechanical power press point-of-operation injuries must be

**Education and Training Services:** The Division of Occupational Safety and Health Education and Training assists employers who are interested in preventing workplace injuries and illnesses by developing and improving their workplace safety management programs. All assistance, such as onsite audits, consultation, and training, is provided **cost-free** upon request.

concerns regarding Kentucky's program may be addressed to the Kentucky Labor Cabinet, Office of Federal-State Coordinator. The U.S. Department of Labor monitors Kentucky's program. Any person who has a complaint regarding the administration of the Kentucky program may contact the U.S. Department of Labor, OSHA, Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia, 30303; (678) 237-0400. Kentucky Labor Cabinet Mayo-Un-No individual in the United States shall, on the grounds of race, color,

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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 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. Publication 213 (Rev. 8-2009) Cat. No. 11047P

TEAM KENTUCKY.

**SCAN ME** 

WH1420 REV 04/23

Internal Revenue Service www.irs.gov

imitations in pursuit of direct lawsuits regarding leave for their own serious health

What does my employer need to do? If you are eligible for FMLA leave, your employer

must: • Allow you to take job-protected time off work for a qualifying reason, • Continue

your group health plan coverage while you are on leave on the same basis as if you had not

taken leave, and • Allow you to return to the same job, or a virtually identical job with the

same pay, benefits and other working conditions, including shift and location, at the end

of your leave. Your employer cannot interfere with your FMLA rights or threaten or

punish you for exercising your rights under the law. For example, your employer cannot

retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

FMLA, your employer must confirm whether you are eligible or not eligible for FMLA

**WAGE AND HOUR** 

DEPARTMENT OF LABOR

Where can I find more information? Call 1-866-487-9243 or visit

dol.gov/fmla to learn more. If you believe your rights under the

FMLA have been violated, you may file a complaint with WHD

or file a private lawsuit against your

Department of the Treasury

**KENTUCKY CHILD LABOR LAWS** 

"School in session" means the time established by local school district authorities, pursuant to KRS 160.290. Parental or guardian permission must be in writing and shall remain at the employer's place of business. A minor may work up to thirty-two and one-half (32.5) hours in any one (1) workweek if a parent or legal guardian gives permission in writing. A minor may work up to

cardboard box compactors.

• Power-driven circular saws, band saws, and Guillotine shears.

Manufacturing bricks, tile, and kindred products.

• Wrecking, demolition, and shipbreaking operations. Roofing operations and all work on or about a roof. Excavating Operations. In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except they may be employed in places where the sale of alcoholic

beverages by the package is merely incidental to the main business

means, (2) warehousing and storage, (3) communications and public utilities, or (4) construction (including demolition and repair). PROOF OF AGE REQUIRED FOR MINORS 14 BUT NOT YET 18 YEARS OF AGE Driver's License, Birth Certificate, Government Document with Date of Birth

actually conducted).

# OCCUPATIONAL SAFETY AND HEALTH PROTECTION

on the Job

# **Occupational Safety and Health**

against an employee for exercising any of their rights under the law, including raising a safety and health concern or reporting a work-related injury

occurrence of occupational injuries and illnesses. During an inspection a representative of the employer and a representative authorized by the **Complaints:** Employees or their authorized representative have the right to file a complaint with the Division of Occupational Safety and Health

Citations: A citation(s) alleging violation of a Kentucky occupational safety and health law(s) or regulation(s) may be issued to an employer following an inspection. The citation(s) is provided to the employer and specifies an abatement date by which the alleged violation must be corrected. To

**Recordkeeping:** Employers are required to maintain records of occupational fatalities, injuries, and illnesses experienced by their employees. Records

must be kept using OSHA 300, 300-A, 301, or equivalent forms. Unless requested to do so by the U.S. Bureau of Labor Statistics, employers with

10 or fewer employees, or whose establishment(s) fall within an exempted North American Industry Classification System code are exempt from

reported to the Division of Occupational Safety and Health Compliance within 30 days of the occurrence. Employees have a right to report a safety and health concern or report a work-related injury or illness without being retaliated against.

Kentucky provides occupational safety and health protections under a plan approved in 1973 by the U.S. Department of Labor. Questions and

religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Labor Cabinet.